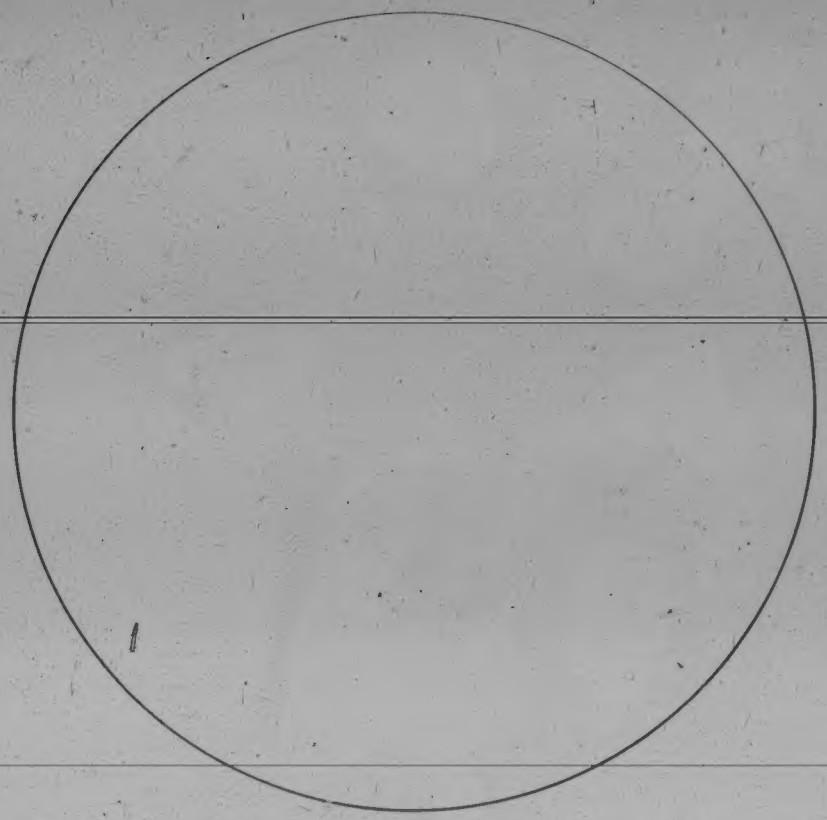
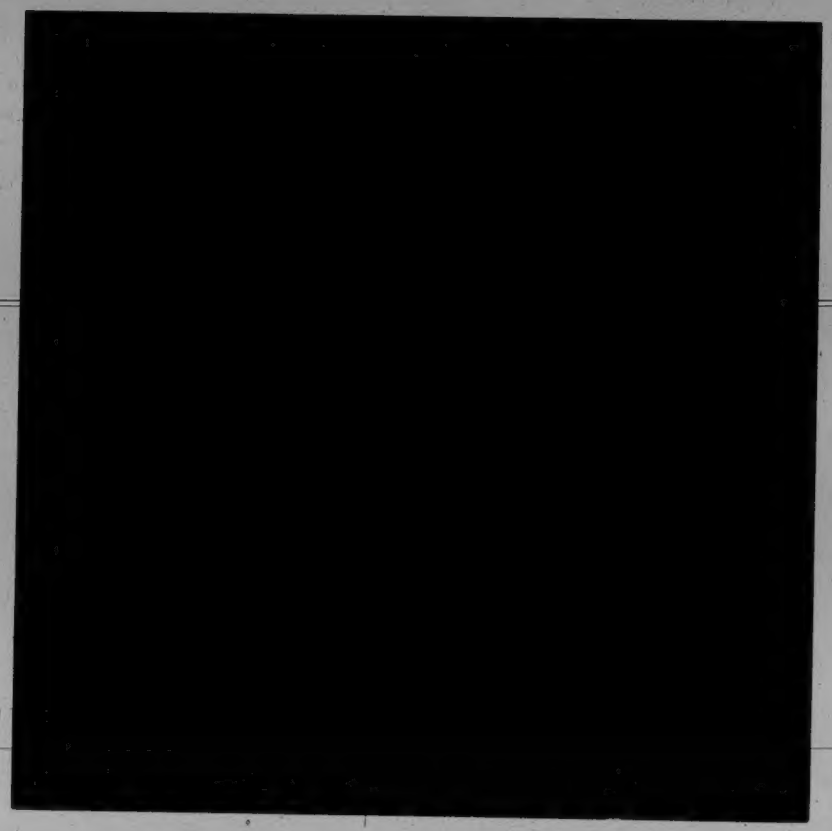
NATIONAL ARCHIVES CENTER

FORT WORTH, TEXAS





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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 251

CHEROKEE BY BLOOD 10300 - 10360

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 19[illegible]

Cher 10300

Minnie E. Tyner

Trans. from R 38

Cher 10300

R 34

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T. August, 6th 1900.

In the matter of the application of John W. Tyner et al. for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A. John W. Tyner.
Q How old are you? A. A. 53.
Q What is your post office? A. Campbell, I. T.
Q Your district? A. Illinois.
Q How long have you lived in Illinois? A. I've lived there nearly 25 years.
Q For whom now do you apply for enrollment? A. Myself.
Q Anybody else you want to have enrolled? A. Children.
Q Your wife? A. No sir, my first wife is dead: my second wife is a white woman.
Q Do you apply for her to have enrolled? A. I don't know.
Q When were you married? A. 13th June, last time.
Too late for her to be enrolled by intermarriage.
Q Do you apply only for yourself and children? A. Yes sir.
Q Do you apply as a Cherokee by blood? A. Yes sir.
Q These are all children of a previous marriage? A. Yes sir, all of them.
Q Was their mother a Cherokee by blood? A. No sir.
Q She was white? A. Yes Sir.
Q When did the mother of these children die? A. 14th of January, 1897 , if I aint mistaken.
Q What was her full name? A. Louisa Smith; Matthews was her maiden name.
Q When were you married to her? A. In '87. '87.
Q Now, the mother of these children was enrolled then in 1880? A. She never was on any of the Cherokee rolls, not as a Cherokee citizen.
Q Will she be on the rolls as an adopted citizen Cherokee? A. No, I suppose not as I was not admitted at that time.

You present here, Mr. Tyner, a document signed by Jas. A. Winston, Clerk of the U. S. Court, Northern Dist. Ind. Ter., N.S.Young, Deputy Clerk, certifying that on the 15th of December, 1897, the Honorable Wm. M. Springer, Judge of the U. S. Court, Northern District, Indian Territory, admitted citizens of said Nation on appeal from the Commission to the Five Civilized Tribes certain persons, among them John W. Tyner.

Q Is that your name? A. Yes sir.
Q You present this then as your certificate of admission? A. Yes sir.
Q Or evidence of admission by action of the U. S. Court? A. Yes sir.
Q You say that you apply for certain of your children? A. Yes sir.
Q Are they mentioned in the decree of the Court? A. I suppose they are.
Q Well what are their names? A. Four at home with me and a grand child. Canzady Tyner.
Q How old is that child? A. She was born in '79.

She is over age and must apply for her self.

Q This daughter can apply for herself, can she? A. I suppose she can.
Q Give me the names now of those that are under age and single. A- Minnie E. Tyner.
Q How old is that child? A. She's 13.
Q Next child? A. John W. Tyner.
Q How old? A. 10, born in '89.
Q Next child? A. Grand child, Ella Etter.
Q Is that an orphan child? A. Yes sir.
Q How old is that child? A. 6 years old.
Q Four children, 13 and 10 years of age, on what ground do you ask

for enrollment of them; were they admitted by the U. S. Court the same time you were? A. I suppose they were; I couldn't tell you about that.

None of their names appear, Mr. Tyner, in this certificate of the decree.

Q Have you any other grounds on which you can apply for their enrollment except the action of the U. S. Court? A. I don't know that I have. When we put in our application it was put down and theirs under it.

It seems the Court accepted you and did not accept them.

Q Now, on what ground do you apply for enrollment of this child, Ella Etter? A. Because she was my daughter's child; that's all.
Q She claims as through your daughter? A. Yes sir.
Q No claim either through her father? A. No sir.
Q Your daughter on any of the rolls of the Cherokee Nation? A. No sir; she's dead; She was never on any of the Cherokee rolls.
Q And not admitted by the U. S. Court as far as you know? A. No sir
Q What's the name of the child? A. Her name is Ella Etter Tyner, the child of my daughter.

Com'r. Breckinridge:

Mr. Tyner, you present here a certificate as stated in the testimony of your having been admitted to Cherokee citizenship by decree of the United States Court onthe 15th day of December, 1897. That is satisfactory, and you will be enrolled as a Cherokee citizen, but that decree does not enumerate your children, Minnie E. and John W., both of whom were alive at that time; therefore, the application for your two children, Minnie E. and John W., is rejected.

Now as for your grandchild, Ella Etter Tyner, neither that child nor its mother has ever been recognized in any manner as a Cherokee citizen; neither is the child or its mother upon any roll of the Cherokee Nation. Under the law this Commission has no jurisdiction over such an application. It is not ever permitted to consider it. A memorandum will be made of the fact that you did apply for the child. In the sense intended by the law, we cannot even consider that application.

Edward G. Rothenberger, being duly sworn by Commissioner Breckinridge as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, John W. Tyner, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 7th day of August, 1900.

Commissioner.

Chas. von Weise, being sworn as stenographer to the Commission to the Five Civilized Tribes, states that the above and foregoing is a full, true and correct copy of the testimony as made by him from the original in the case of John W. Tyner #970.

Subscribed and sworn to before me this the 12th of January, 1901.

Commissioner

R 38

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 6 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date August 6 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age 13
Dist.	Year	Page	No.	Age 10
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Tested for Intermarriage

1171.38

D A T E D [illegible] 1 9 ,

[illegible] F I V E C I V I L I Z E D T R I B E S.

In the matter of the application for the enrollment of Minnie E. and John W. Tyner as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on August 6, 1900, John W. Tyner appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment, among others, of his two minor children, Minnie E. and John W. Tyner, as citizens by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Minnie E. and John W. Tyner are the minor children of John W. Tyner, who was admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stats., 321), and by the United States Court, Northern District, Indian Territory, on appeal, December 18, 1897. It further appears that the said Minnie E. and John W. Tyner were nine and six years old, respectively, at the time the application was made by their father to the Commission for admission.

As shown by the evidence the applicants herein were minors when application was made for their enrollment, and it is considered that no act of theirs, during said minority, would work a forfeiture of the citizenship acquired in 1896.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Prudea L. Rutland, et al., (7986-1903), Minnie E. Tyner and John W. Tyner, Jr., should be enrolled as citizens by blood of the Cherokee Nation,

in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this SEP 5 -

MH

Cherokee #10300.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
Tahlequah, I. T., January 19, 1905.

In the matter of the application of Minnie E. Tyner for the enrollment of herself and brother, John W. Tyner, Jr. as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Minnie E. Carter, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Minnie E. Carter.
Q How old are you? A Will be 18 in July.
Q What is your postoffice? A Campbell.
Q Are you a Cherokee by blood? A Yes'm.
Q Are you a daughter of John W. Tyner? A Yes'm.
Q Have you married since you enrolled? A Yes'm.
Q What is the name of your husband? A William Carter.
Q Is he a citizen of the Cherokee Nation? A No.
Q When were you married? A August 21, 1904.
Q Are you and he living together now? A Yes'm.

- - - - - - -

I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson.

Subscribed and sworn to before me this 19th day of January, 1905.

Samuel Tonnel
Notary Public.

Cherokee R-38

Muskogee, Indian Territory, September 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 8, 1903, granting the application for the enrollment of Minnie M. and John W. Tyner, Jr., as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. 1-8

Chairman.

Copy

Cherokee T-38

Muskogee, Indian Territory, October 7, 1903.

John W. Tyner,

Campbell, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1903, granting your application for the enrollment of your two minor children, Minnie E. and John W. Tyner Jr., as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Register

Enc. D-34

Cher 10301

Martha E. Greenwood

Trans. from R76

Cher 10301

[illegible] application of his wife for citizenship was filed with the Dawes Commission.

[illegible] by examination of the records, it is found that the name of Martha E., the child of said Susie J. Greenwood, born January 21, 1895, does not appear in the [illegible] decree granting the rights of citizenship to Susie J. Greenwood, consequently the application of the said Oliver M. Greenwood to have his child, Martha E. enrolled as a citizen of the Cherokee Nation by blood, is denied.

He also applies for the enrollment of his son, William Franklin, age three years. Said child having been born after November 24, 1896, the date of admission of his wife. He testifies that the said William Franklin is alive and living with him; consequently Susie J. Greenwood and the child William Franklin Greenwood, will be duly listed for enrollment by this Commission as Cherokee citizens by blood, upon filing with this Commission satisfactory proof as to the birth of the said William Franklin.

The undersigned being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible] Brown McDonald.

Subscribed and sworn to before me this 7th day of September, 1900 at Muskogee, I.T.

(Signed) T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T. August 20th, 1900.

In the matter of the application of Oliver M. Greenwood for the enrollment of his wife and children as citizens of the Cherokee Nation; said Greenwood being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Oliver M. Greenwood
Q What is your age? A 35.
Q Your post office address? A Webbers Falls.
Q Are you a recognized citizen of the Cherokee Nation? A No,sir.
Q. Whom do you apply for enrollment for? A My wife and children.
Q What is your wife's name? A Susie J.
Q What is her post office address? A Webbers Falls.
Q Is she a Cherokee citizen by blood? A Yes,sir.
Q What degree of blood does she claim? A I cannot tell you.
Q What district does she live in? A Canadian.
Q How long has she lived there? A Since 1891.
Q Where did she live before that? A In Texas.
Q Does your wife's name appear upon the authenticated roll of 1880?
A No,sir.
Q Did your wife apply to the Dawes Commission? A Her mother did.
Q Did your wife apply to the Dawes Commission in 1896 or anyone for her? A Yes,sir.
Q Who? A Her mother did.
Q She was admitted or rejected? A Admitted.

Q I find after the examination of the records of the Commission to the Five Civilized Tribes that in 1896 in case 5441, Docket E. the name of Susan J. Greenwood as having been admitted to citizenship, is the person mentioned there as having been admitted, the person for whom you apply now? A Yes,sir.
Q What was her father's name? A Jesse Needham.
Q Is he living? A No,sir.
Q What was her mother's name? A Martha E. Needham.
Q Is she living? A Yes,sir.
Q What was Susie J. Greenwood's name in 1896? A She was a Greenwood; she was married to me in 1893.
Q Has she any children? A Two.
Q What is the name of the oldest one at home under 21 years of age? A Martha E.; four years old. This child was born January 21, 1895.
Q The next child? A William F.; three years old. Born August 7, 1897.
Q Does your wife's name appear upon the roll of 1896? A I do not think it does.
Q Are these children alive and living with you at this time? A Yes,sir.

Oliver M. Greenwood presents a certificate from the Commission to the Five Civilized Tribes, dated November 24, 1896, certifying that in the case of Martha E. Needham, et al., case 5441, his wife Susie J. Greenwood was admitted to citizenship, and upon the examination of the records of the said Commission in the Five Civilized Tribes in 1896, it is found to be true that the said Susie J. Greenwood was admitted to citizenship as a citizen by blood. Her name does not appear upon any of the rolls of the Cherokee Nation now in possession of the Commission, she having been admitted since the roll of 1896 was compiled.

The said Oliver M. Greenwood applies for the enrollment of his said wife and also to have the name of his child, Martha E. Greenwood, four years old, enrolled as Cherokee citizen by blood. [illegible] evidence shows that the said Martha E. was born January 21, 1895.

before the application of his wife for citizenship was filed with the Dawes Commission.

Upon an examination of the records, it is also found that the name of Martha E., the child of said Susie J. Greenwood, born January 21, 1895, does not appear in the judgment or decree granting the rights of citizenship to Susie J. Greenwood, consequently the application of the said Oliver M. Greenwood to have his child, Martha E. enrolled as a citizen of the Cherokee Nation by blood, is denied.

He also applies for the enrollment of his son, William Franklin, age three years. Said child having been born after November 24, 1896, the date of admission of his said wife. He testifies that the said William Franklin is alive and living with him; consequently Susie J. Greenwood and the child William Franklin Greenwood, will be duly listed for enrollment by this Commission as Cherokee citizens by blood, upon filing with this Commission satisfactory proof as to the birth of the said William Franklin.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Brown McDonald.

Subscribed and sworn to before me this 7th day of September, 1900 at Muskogee, I.T.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

(Arthur G. Croninger)

Subscribed and sworn to before me this 13th day of October, 1901.

Commissioner.

B R 76

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 20 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law married to Date of marriage Olivia M Greenwood

License Certificate Dunn J

Names of Children:

Martha C. Greenwood Dist. Year Page No. Age 4

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

(1620) Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

94 R 76 C

80

IN RE

Application for Enrollment of

INFANT CHILD

Martha C. Vickwood

as a citizen of the

CHEROKEE Nation.

Approved SEP 25 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1900

Chickasaw Roll R 76

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation, of [illegible] (Here insert name of child), born on the [illegible] day of [illegible], 18[illegible]

Name of Father: [illegible], a citizen of the [illegible] Nation.

Name of Mother: [illegible], a citizen of the CHEROKEE Nation.

Post-office: [illegible]

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY~~
Northern District

I, Susie J Greenwood, on oath state that I am 20 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of O. M. Greenwood, who is a citizen, by [illegible], of the US ~~Nation~~; that a Female (male or female) child was born to me on the 21 day of Jun 1845; that said child has been named Martha E. Greenwood, and is now living.

Susie J Greenwood

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 *day of* Aug 1900

J. O. Buckaloo
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY~~ ~~District~~
State of Arkansas
County of Yell

I, Mary Howard, a [illegible], on oath state that I attended on Mrs. Susie J Greenwood, wife of O. M. Greenwood, on the 21 day of Jun, 1845; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Martha E. Greenwood

Mary Howard
her X mark

WITNESSES TO MARK

(Must be Two Witnesses)
Mollie Baxter X
B B Baxter

Subscribed and sworn to before me this [illegible] *day of* September 1900.

E. W. Baxter a justice of the Peace

R. 26.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I.T., FEBRUARY 4, 1902.

In the matter of the application for the enrollment of Martha E. Greenwood as a citizen of the Cherokee Nation.

From a further examination of the records of this Commission and the files in the application of Susan J. Greenwood for admission to citizenship in the Cherokee Nation, Dawes Commission case No. 5441, it appears that the name of Martha E. Greenwood is not included in the petition made by her mother, Susan J. Greenwood, and that no application appears to have been made for the said Martha E. Greenwood.

It is ordered that copies of this statement be filed with the testimony in the case of Martha E. Greenwood R. 26.

C. R. Breckinridge

Commissioner.

[illegible] -76.

[illegible]
[illegible] CITIZEN [illegible].

In [illegible] application [illegible] enrollment of [illegible] as a citizen by blood of the Cherokee Nation.

[illegible]

[illegible] on August [illegible], 1900, Oliver [illegible] appeared before the Commission at [illegible] Gibson, Indian Territory, [illegible] and filed application for the enrollment, among others, [illegible] child, [illegible], as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Martha [illegible] Greenwood is the daughter of Susan [illegible] Greenwood, who was admitted to citizenship in the Cherokee Nation by the Commission to the Five Civilized Tribes under the Act of June [illegible], 1896 (29 Stats., 321), and that no appeal was taken therefrom. It is further shown that Martha [illegible] Greenwood, at the time of the application [illegible] or later, was about six months old, and was not included in the application nor was judgment rendered in her favor.

The evidence [illegible] shows that the said mother of Martha E. Greenwood was living in the Cherokee Nation since 1891. It is considered that the said Martha E. Greenwood has lived all her life in the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Emma L. Rowland, et al., (7989-1900), Martha [illegible] Greenwood should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-[illegible] of the act of Congress approved June 28, 1898 (30 Stats., [illegible]), and it is so ordered.

[illegible] HAZEN WILSON.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this SEP [illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

A. Jones

You will note that affidavit was sworn before a Justice of the Peace of Nez Co Ark - & then bore no seal

Jesse J. Greenwood

Cherokee R-76

Muskogee, Indian Territory, September 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1903, granting the application for the enrollment of Martha E. Greenwood as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-10

COPY

Cherokee R-76.

Muskogee, Indian Territory, October 7, 1905.

Oliver M. Greenwood,

Webbers Falls, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 5, 1905, granting your application for the enrollment of your wife, Martha E. Greenwood, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Register

Enc. D-35

Department of the Interior.

[illegible] Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

Cher 10302

Franklin R. Mitchell

Trans. from D49

Cher 10302

[illegible] Mononia being sworn by Commissioner [illegible]
[illegible] the Commission to [illegible]
[illegible] in all the testimony of the above named witness
[illegible]

[illegible]

Sworn to and subscribed before me this 23rd day of [illegible]
[illegible] Caldwell, J.P.

[illegible]

Com[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WESTVILLE, I.T. JULY 20, 1900.

In the matter of the application of Franklin R. Mitchell [redacted]; for enrollment as Cherokee citizen by blood, said Mitchell being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Franklin R. Mitchell.
Q Your age? A 31.
Q Your postoffice? A Westville.
Q Your district? A Goingsnake.
Q Whom do you apply for? A For myself and brother.
Q Is your brother under age? A No sir, he is 21, but he is a convict in the penitentiary.
Q Do you apply as a Cherokee by blood? A Yes.
Q What is your father's name? A Robert B. Mitchell.
Q How long have you lived in this district? A I was raised in the Nation, but have only lived here about six months.
Q Where were you before that 6 months? A My home has been principally in Illinois district, but I was enrolled in Delaware.
Q So when you speak of six months you mean you have only lived in this district six months, but you have lived in the Nation all your life? A Well, I have been out of the Nation three or four different times for six months at a time, but never gave up my residence here, and always voted here and claimed my home here.
On '80 roll, page 283, number 1683.
On '94 roll, page 804, number 1256.
Q Where have you lived for the last 5 or 6 years? A I lived in the Cherokee Nation. I was in Texas from last January a year ago until early in the fall sometime, then I came back to Illinois district, and I was there until in May again and I went to Texas and was back here again in this last January . This is the only time I have been out of the Nation in my life.
Q Have you any property in the Nation here? A No sir.
Q Any home? A Yes, I am living with my brother-in-law.
Q What has he got? A A farm.
Q What do you do there? A Work.
Q Make your home there? A Yes.
Q Got any interest in the crop? A Yes.
Q Is that where you have lived? A No sir, only lived there for six months- was raised by a cousin of mine in Illinois district.
Q Now this brother you speak of, is he over 21 years of age or not? A He is just 21.

By Mr. Hastings, Cherokee Attorney:

Q What is your mother,s name? A Mary Mitchell.
Q Is she married now? A No sir, she is dead.
Q Have you a sister? A Yes, one by the name of Mary and one by
Q [redacted].
Q [redacted]
the name of Margarett.
Q Have you a young brother? A Yes, by the name of Joe.
Q When did you leave Delaware? A In '82.
Q Where did you go from there? A Illinois.
Q With whom did you live over there? A Lewis Thornton.
Q You lived with him until you went to Texas two years ago? A I worked around in the neighborhood.
Q Did you work outside of the Cherokee Nation during that time? A No sir.

Q All you have lived outside of the Cherokee Nation is what you have told the Commission when you went to Texas two years ago? A Yes.
Q Were you ever married? A Yes, about three years ago; my wife is dead.
Q You married while you were in Texas? A Yes.
Q How long had you been down there prior to your marriage? A I married at Fort Gibson and we moved down to Texas and my wife died and I came back. She was a non-citizen and her folks lived in Texas. She had a brother there.
Q Did she have any property in Texas? A No sir.
Q As soon as your wife died you returned? A When we married we first came here to this district, and then when we left here we went to Texas, and then I came back here, and then I made another trip there and she died and I came back here to stay..
Q Who married you? A Tom Thornton.
Q What was her maiden name? A Goodwin.
Q Did you ever own any farm in the Cherokee Nation? A I owned places-- claims.
Q Well, why didn't you draw your strip money in '94-- where were you? I was in Fort Gibson.
Q Why didn't you draw it then? A I could not get in at the time I needed the money-- I wanted to invest my money in buying a team and I could not get in in time to buy to buy the team and I sold my claim to Glew Gallagher and got the money.
Q Upon to that time had you ever lived out of the Cherokee Nation? A No sir.
Q Were you living in the Cherokee Nation at that time? A Yes.
Q What explanation are you going to make why you are not on the '96 roll? A Me and Jim Coleman was making hay on Brock Station Prairie when the census takers came around and Louis ---- gave my name in so he told me, and I never did try to enroll or see anything more about it.

By the Commission:
Q When were you married? A In '95.
Q When did your wife die? A It will be two years in January.
By Mr. Hastings:
Q Where do you live now? A With Jim Shell, three miles southeast of here.
Q How long have you lived there? A I came there in January.
Q Came from Texas there? A Yes.
Q How long had you been in Texas that last time? A I went there the first of January, 1899.
By the Commission:
Q What did you want particularly with that team you boughtwith you '94 strip payment money? A I wanted it to do some hauling on the pay-grounds.
Q You did not move to Texas with that team? A No sir.
Mr. Mitchell, your name appears to be duly identified on the roll of '80 and on the roll of '94, but is not found on the roll of '96, and your different movements raise some doubt as to your continued residence and purpose of residence in the nation, so your name will be placed upon a doubtful card for the further consideration of the Commission. If there is any further evidence you want to submit you can forward it to the Commission at its office in Muskogee-- any affidavits or any written evidence, and whatever decision the Commission may arrive at will be communicated to you in writing at your present postoffice address, and the decision will finally be forwarded with the testimony whether it be favorable or unfavorable, to the Secretary of the Interior for his approval or disapproval.

Brown McDonald, being sworn by Commissioner Breckinridge, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 23rd day of July, 1900, at Stilwell, I.T.

Clifton R. Breckinridge

Commissioner.

COMMISSIONER OF CONCILIATION
FILED
JUL 20 1909

CHEROKEES BY BLOOD AND ADOPTION.

Date July 20, 1900.

3rd Name Franklin R. Mitchell Nowata, I.T.

District Delaware Year 1880 Page 283 No. 1685

Citizen by blood [redacted] Mother's citizenship CHEROKEE.

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Doubtful

R H9

MARRIAGE LICENSE.

STATE OF ARKANSAS, COUNTY OF WASHINGTON.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE GREETING:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Frank R. Mitchell of Westville, I.T., aged 28 years, and Mrs. Belle Hayes of Westville, I.T., aged 20 years, according to law; and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 13th day of September, 1900.

(Seal of County Court)
(Washington Co., Ark.)

Bruce Holcomb,
County Clerk.

CERTIFICATE OF MARRIAGE.

State of Arkansas)
County of Washington)

I, A. L. Kirk, J.P., do hereby certify that on the 14th day of September 1900 I did duly and according to law as commanded in the foregoing License solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this 14th day of September 1900.

A. L. Kirk J.P.

My credentials are recorded in Recorder's Office,)
_____County, Ark. Book__ Page___)

(10¢ Inter. Revenue Stamp)

CERTIFICATE OF RECORD.

State of Arkansas)
County of Washington)

I, Bruce Holcomb, Clerk of the County Court of said County, certify that the above License for and certificate of Marriage of Mr. Frank R. Mitchell and Mrs. Belle Hayes was filed in my office on the 1st day of October 1900, and the same is duly recorded on page 360 of Book "L" of Marriage Records.

Witness my hand and the seal of said Court this 16th day of October 1900.

(Seal of County Court)
Washington Co., Ark.)

Bruce Holcomb,
Clerk.

I, the undersigned, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of an original copy on file in the Office of the Commission.

Mabel H. Maxwell.

"R"

Cherokee D 49.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 14,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT in the matter of the application of Franklin R. Mitchell for enrollment as a Cherokee citizen.

Appearances:
Applicant, in person;
W.W.Hastings, attorney for the Cherokee Nation.

FRANKLIN R. MITCHELL, being first duly sworn, and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Franklin R. Mitchell.
Q How old are you? A I am 32 years old.
Q What is your post-office address? A Westville.
Q Are you an applicant before this Commission for enrollment as a Cherokee citizen? A Yes sir.
Q Have you any statement that you desire to make relative to your enrollment as a citizen? A Well, I don't really know why I have been objected, unless it is because I am supposed to have forfeited my rights by being out of the Nation over the limited length of time.
Q Where were you born? A I was born in the Cherokee Nation I suppose, I don't know.
Q Where were you when you can first remember? A I was in the Cherokee Nation.
Q How long did you continue to live there? A I lived there in the Cherokee Nation all my life with the exception of three short periods.
Q When did you leave the Nation the first time? A When did I?
Q Yes.A In 1896.
Q Was that the first time you have ever left the Cherokee Nation? A That is the first time I ever been out of the Nation to stay any length of time.
Q Well now, that isn't the question; when was the first time you ever left the Nation? A First time I left the Nation was when I was summoned to Fort Smith as a witness one time.
Q How long did you remain out? A I stayed there two or three days.
Q When was the next time you went away? A Next time was in '96.
Q Where did you go to in 1896? A I went to Texas.
Q How long did you remain there? A I remained from September 1896 until August '97.
Q Then where did you go? A I came to the Cherokee Nation, in Canadian District.
Q In '97? A Yes sir.
Q How long did you stay here before you went out again then? A I stayed there, I was in Canadian awhile; went from there to Gainesville and stayed until August, came back to Illinois District and stayed until January.
Q In the Cherokee Nation you stayed until January 1898? A Yes sir.
Q Then where did you go? A Went to Texas.
Q Then how long did you stay in Texas that time? A I stayed until something in the month of April of the same year.
Q 1898? A Yes sir.
Q Well where did you go to when you left Texas in 1898? A I came back to Fort Gibson in Illinois District.
Q How long did you remain? A I remained there approximately about two or three weeks; maybe a month; I don't know which.
Q Where did you go then? A I went [illegible]
Q Do you remember about what [illegible] Texas in [illegible] Gibson, about what was it? A Yes sir, [illegible] of April or the first of May.

Q '98? A Yes sir.
Q You went to Texas? A Yes sir.
Q How long did you stay there? A I remained until January 1899.
Q Then where did you go? A I come back to the Cherokee Nation and I have been there ever since.
Q Is there any other statement you desire to make relative to your enrollment? A I have some affidavits from parties who knew-
Q The Commission cannot file affidavits. A Well one reason I wanted to present them was because the parties was scattered so over the Nation and I am not able to bring them.
Q The Commission has been all over the Cherokee Nation since 1900. A Yes sur I wasn't objected until you were at Westville, and you have never been any closer then here only while you were at Tahlequah
Q You were placed on a doubtful card 18 months ago almost at Westville, and since that time the Commission has been all over the country again. A You aint been no nearer than Tahlequah; and one of these witnesses is in Canadian and one in Sequoyah.
Q Do you submit this case to the Commission now for final consideration? A Well I just want to make this statement. If this is sufficient, if the Commission thinks this is sufficient for clearing up the doubts in regard to my citizenship, I will submit it as a final declaration; if not, I would like to have some kind of showing to get these witnesses before the Commission if that be agreeable.
Q You have had 18 months to get these witnesses before the Commission. A Well if you want to reject me on that, all right.
Q It is not for the Commission to say at this time whether the testimony is sufficient; that is for you to determine. A If I was to submit, would I have theprivilege of producing them afterwards if I was rejected?
Q No, not after the case was once closed you would not.
A Well you see there it is. I don't know what to do about it.
Q Have you any witnesses here that you desire to introduce in this case? A No, none here whatever; not that I know of, in town.

BY COMMISSION: On the 30th of January 1902, the applicant was notified by registered mail that his case would be taken up by the Commission for final consideration on the 15th dayof February, 1902 . He was also notified that he would be given theprivilege of appearing before the Commission in person or by attorney, and that an opportunity would be given him at that time to introduce any additional testimony affecting his case. In view of this fact the case will be closed. Attention is also invited to the fact that this testimony is taken on the 14th, although the applicant is notified that it will be taken up on the 15th of February, but this was done at his special request, he having appeared before the Commission on this day.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 15,1902.

[illegible]

Cherokee 219

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

Cherokee Nation.)

Approved March 13 1902 190

Commissioner.

Excellent

FILED
MAR 13 1902

ACTING SECRETARY

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Tilby Tussie Mitchell, born on the 3rd day of July, 1901
(Here insert name of child)

Name of Father: Franklin R Mitchell a citizen of the Cherokee Nation.

Name of Mother: Belle L Mitchell a citizen of the United States ~~Nation.~~

Post-office Muskogee, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Belle L Mitchell, on oath state that I am 20 years of age and a citizen, by intermarriage, of the Cherokee Nation; that I am the lawful wife of Franklin R Mitchell, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on 3rd day of July 1901 that said child has been named Tilby T. Mitchell, and is now living.
(male or female.)

WITNESSED BY MARK: Belle L Mitchell

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of Feb. 1902.

My term expires 1-13-1903 R. H. Leach NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,

I, Mary Shell, a Midwife, on oath state that I attended on Mrs. Belle L Mitchell, wife of Franklin R Mitchell on the 3rd day of July, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been
(male or female)
named Tilby Tussie Mitchell

WITNESSED BY MARK: Mary Shell

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of Feb. 1902.

My Commission Expires Jan. 13-1903 R. H. Leach NOTARY PUBLIC

who is confined in the penitentiary. The record in this case, however, fails to disclose that any disposition was made as to his application for the enrollment of his brother.

It further appears that subsequent to the time that he made application for the enrollment of himself he also appeared before the Commission at Westville, Indian Territory, and made a separate application for his brother, Joseph A. Mitchell. The record shows that the said Joseph A. Mitchell has been duly listed for enrollment as a citizen by blood of the Cherokee nation on the Cherokee roll, card, field number 441.

Copies of the foregoing statement will be filed with and made a part of the record in the matter of the application of Joseph A. Mitchell for the enrollment of himself as a citizen by blood of the Cherokee nation.

Commissioner.

RECEIVED
JUN 22 1903
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
WRITING CHAMBER

File with Cherokee D-49.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 22nd, 1902.

In the matter of the application of Franklin R. Mitchell for the enrollment of himself as a citizen by blood of the Cherokee nation.

Upon an examination of the testimony had in the matter of the application of the said Franklin R. Mitchell, it appears that when he made application at Westville, Indian Territory, July 20th, 1900, he also applied for the enrollment of his brother, age 21 years, and who is confined in the penitentiary. The record in this case, however, fails to disclose that any disposition was made as to his application for the enrollment of his brother.

It further appears that subsequent to the time that he made application for the enrollment of himself he again appeared before the Commission at Westville, Indian Territory, and made a new application for his brother, Joseph A. Mitchell, and that the said Joseph A. Mitchell has been duly listed for enrollment as a citizen by blood of the Cherokee nation on Cherokee roll card, field number 441.

Copies of the foregoing statement will be filed with and made a part of the record in the matter of the application of Franklin R. Mitchell for the enrollment of himself as a citizen by blood of the Cherokee nation.

Commissioner.

Cherokee D 49.

R.F.H.

6R

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Franklin R. Mitchell for enrollment of himself and his daughter, Trilby Trissie Mitchell, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on July 20, 1900 Franklin R. Mitchell appeared before the Commission at Westville, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on February 14, 1902 and affidavits as to the birth of Trilby Trissie Mitchell were filed on March 13, 1902.

The evidence shows that the applicant, Franklin R. Mitchell, is a Cherokee by blood; that he is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1894 strip payment roll; that he has been married twice and that his first wife died prior to his marriage to his present wife, Belle Mitchell, formerly Hayes; that his said daughter, Trilby Trissie Mitchell, was born of his last marriage; that she is too young to be on any roll, but is identified by birth affidavits on file with the Commission.

The evidence further shows that the applicant, Franklin R. Mitchell, has always claimed his home and residence to be in the Cherokee Nation and that he has resided therein all of his life, except at intervals when he has been in the State of Texas; that he was in said State from September 1896 until August 1897; also from January 1898 until April of the same year and from May 1898 until January 1899, since which time he has resided continuously in said Nation. His said daughter, Trilby Trissie Mitchell, has resided with her parents since her birth.

It is, therefore, the opinion of this Commission that Franklin R. Mitchell and Trilby Trissie Mitchell should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this SEP 11 1903

Wm. O. Beall

Atlanta 7-21-00

W. O. Davis Com-
Sers [illegible] some
conversation [illegible] the residence of
Frank R. [illegible]. In 1894 Lewis
R. Thornton registered for me.
In February of 1896 I left Illinois
Dist- and came to Goingsnake
In the Summer of 1896 I left Going
snake [illegible] Dist-
to [illegible] & [illegible] working
on [illegible] The Roll of
1896. [illegible] 1896 I left
Canadian [illegible] to Texas I remain
there until August of 1897 at that
time I came to Canadian
Dist- Left Canadian December
1897 and came to Goingsnake

Left Young County August of 1898 going to Illinois. Left Illinois January 1899 going back to Texas. Came back to Illinois in March of same year and went back to Texas in May. ~~Left Texas January of 1900~~ coming to Young county at which place I remained. Sir's I went to Texas the third time especially for the purpose of paying debts that I had contracted at the time of my wife's death and having no other way of paying except by labor I were there longer than I should have been under other circumstances

and sir I made the error in my statement before not intentional but because I had no knowledge of the 96 enrollment and [illegible] I was divulge to you in regard to my whereabouts of 1896 has been made from [illegible] before [illegible] old [illegible] recollection of [illegible] time. I can produce [illegible] from men that will corroborate the above statement as to the time I were in the Dist. and Sir I can produce affidavits from Texas that will prove that

I [illegible] resident of that
State [illegible]
a [illegible] up
[illegible] time [illegible]
time that I [illegible] of
also [illegible] away
home. I state also that if
were in the summer of 1894
or 95 that [illegible] and I
made [illegible] was prairie
and [illegible] statement I
made before the [illegible] are
correct up to that time. Now
Sir's will you kindly
consider on this letter and
allow me to make affidavit
of this before Notary Public

for the [illegible]
statement [illegible] you if for
[illegible]
With sincere regret for the
trouble I have caused you
and my self, in the matter of
[illegible], and begging pardon
f[illegible] you with
[illegible] letter.
I remain
Your obedient Servant
Frank R Mitchell
Mentville
[illegible]

COMMISSIONER PRICES

FILED

JAN 31 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30 1902

Mr. Franklin R. Mitchell,

Westville, Indian Territory.

Sir:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register
Cherokee D-40

Acting Chairman.

Cherokee D 49

Muskogee, Indian Territory, March 13, 1902.

Mr. Franklin Mitchell,

Westville, Indian Territory.

Dear Sir:

Upon examination of the testimony taken at the time of your application for enrollment it appears that you also applied for your brother, stated by you to be in the penitentiary. The age of your brother is given as 21, but it does not appear what his name is, and this Commission is unable to determine whether he has been enrolled or not. There seems to have been no disposition made of your application for his enrollment and you are now requested to appear before this Commission, at its office in Muskogee, Indian Territory, and renew the application for your brother. If he is now at liberty he should appear and make application in person, and in such case you will please notify him to that effect. You are urged to give this matter your earliest attention as it is of great importance to your brother.

Yours truly,

Commissioner in Charge.

In answering refer
to Cherokee D 49

In reply refer to
Cherokee D 49.

Muskogee, Indian Territory, June 18, 1906.

Mr. Franklin Mitchell,

Westville, Indian Territory.

Sir:-

Upon examination of the testimony taken at the time of your application for enrollment, it appears that you also applied for your brother, stated by you to be in the penitentiary. The age of your brother is given as 21, but it does not appear what his name is, and this Commission is unable to determine whether he has been enrolled or not. There seems to have been no disposition made of your application for his enrollment, and you are now requested to appear before this Commission, at its office in Muskogee, Indian Territory, and renew the application for your brother. If he is now at liberty he should appear and make application in person, and in such case, you will please notify him to that effect.

You are urged to give this matter your earliest attention as it is of great importance to your brother.

Yours truly,

Commissioner in Charge.

Register.

Chur. 3-68.

Muskogee, Indian Territory, June 20, 1902.

Frank Mitchell,

[redacted]ustville, Indian Territory.

Dear Sir:

Upon an examination of the testimony taken at the time of your application for the enrollment of yourself as a citizen of the Cherokee Nation it appears that you also applied for your brother who was at that time confined in the penitentiary. The age of your brother was given as twenty-one years, but his name does not appear in the record, and the Commission is unable to determine whether or not he has been listed for enrollment.

There appears to have been no disposition made of your application for his enrollment, and you are now requested to appear before the Commission at its offices in Muskogee, Indian Territory, within fifteen days from date hereof and renew the application for your brother. If he is now at liberty he should appear and make application, and in such case you will please notify him to that effect.

You are requested to give this matter your prompt attention, as it is of importance in the matter of your application for the enrollment of your brother.

Very respectfully,

Registrar. Commissioner to Cherokees.

COPY.

Cherokee D-49

Muskogee, Indian Territory, September 16, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1908, granting the application for the enrollment of Franklin R. and Trilby Tressie Mitchell, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed you this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-36

COPY

Cherokee D-49

Muskogee, Indian Territory, October 7, 1903.

Franklin R. Mitchell,

Westville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting your application for the enrollment of yourself and your minor child, Trilby Trissie Mitchell, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Register.

Enc . D-38

49 | copy M C

July 20/00

Franklin R Mitchell
left brother B.

Ch
80 roll

went to Texas in 1896 & 97 — [illegible]
until Jan 96 - went to Texas & stayed until April
Came back & was a few weeks, then went to
Texas stayed until Jan 97 always rolled
here & [illegible] his name

On 90 roll - not on 96.

(what became of his
wife & his brother)

MR

Cher 10303

Sarah M. White

Trans. from D254

Cher 10303

"A"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Alfred N. White for the enrollment of his wife, Sarah M. White, as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Alfred N. White.
Q How old are you? A Twenty eight.
Q What is your Postoffice? A Collinsville.
Q In what district do you live? A Coowescoowee.
Q Do you want to enroll yourself and family? A Just my wife.
Q Is she a Cherokee by blood? A Yes sir.
Q You do not apply for yourself? A No sir.
Q You are a white man, are you? A Yes sir.
Q When did you marry? A In 1896.
Q Give me your wife's full name? A Sarah M. White.
Q How old is your wife? A Twenty four.
Q When did you say you married her? A 1896.
Q Has she lived in the Cherokee nation all her life? A No sir.
Q How long has she lived in the Cherokee nation? A I do not know just how long: Ever since we have been married.
Q You do not know how long before that? A No sir.
Q Is she a recognized citizen of the Cherokee nation?
A By blood; yes sir.
Q Have you never heard her say whether she was born in the Cherokee Nation or not? A I think she was born in Arkansas.
Q What is the name of her father? A Richard Riley.
Q Is he dead? A No sir.
Q Give me the name of her mother? A Mallie Riley.
Q Is she dead? A No sir.
Q Where are your wife's father and mother living? A At Vera.
Q In the Cherokee nation? A Yes sir.
Q Have you a certificate of your marriage to your wife?
A I have one, but I have not got it with me.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you any one here who knows you and she are married?
A Yes sir.
Q Who here knows? A Mr. Jordan, and her father and brother.

Richard Riley, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give your full name? A Richard Riley.
Q How old are you? A Sixty six the fourth of this month.
Q What is your Postoffice? A Vera.
Q How long have you lived in the Cherokee Nation?
A I have been in the Cherokee nation a long time; some times, out and back.
Q Do you know Mr. White here? A Yes sir; he is a son in law of mine.
Q What is his wife's given name? A Sarah.
Q Was she ever married except to him? A No sir.
Q You never heard of his being married except to your daughter?
A No sir.
Q About how long have they been married? A About four years.

Applicant recalled:
Q Have you a child? A Yes sir.
Q Give me the name of the child? A Ida May.
Q She was born the 8th of November, 1898? A Yes sir.

(1880 Roll, Page 601, #1888, Sarah Riley, Tahlequah District)

ALFRED N. WHITE FOR THE ENROLLMENT OF HIS WIFE AND CHILD.

(1894 Roll, Page 15, #46, Sarah Riley; Reservator)

Q Has your wife lived here ever since you and she were married?
A Yes sir.
Q Do you know anything about her going out with her father into the Cherokee Strip some years ago? A She was out there; is where I got acquainted with her.
Q Did you marry her out there? A Yes sir.
Q How long after you married her before you came here?
A Married on the 19th of August and moved to the Cherokee Nation on the 21st of September, 1896.
Q Came very promptly? A Yes sir.
Q Does your wife still own that land out there in the Strip?
A No sir.
Q She does not? A No sir.
Q When did she sell it? A I do not know; some time ago.
Q When she drew Strip money, they made a reduction for that, did they? A Yes sir.
Q Your wife had gone out there with her father? A Yes sir.
Q And lived there with him as he lived until she married you?
A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of his wife and child: He does not apply for himself, as he states he was married after the Cherokee law prohibiting the acquirement of citizenship by intermarriage. He states that he has not his marriage license and certificate with him now, but the fact of his marriage in August, 1896 is established by his own and his father in law's testimony: His wife is identified upon the roll of 1880, but not upon the roll of 1896: She is identified on the roll of 1894 as a Reservator, and is shown to have received a reduced amount of Cherokee Strip money: She has lived in the Cherokee Nation ever since 1896, and she will now be listed for enrollment as a Cherokee by blood upon a doubtful card, to consider the question of residence in the Strip and the effect thereof. Reference is made to the case of her father, Richard Riley for full particulars of this matter.

When a certificate of the birth of the child, Ida May White is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood, to await the consideration mentioned in its mother's case.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of December, 1900.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1900

A. ING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Sarah M. White Collinsville I.T.

District TAHLEQUAH. Year 1880 Page 801 No. 1929

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Ida M. White Dist. Year Page No. Age 2

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Not on

No 1 on 1880 roll 128 Sarah Riley

No 2 - Proof of birth to be supplied

The attorney for the applicant and the representative of the Cherokee Nation submit the case, same is deemed completed and will be reported to the Commission for final decision upon the evidence now of record.

The attorney for the applicant requests, and will be granted, fifteen days in which to file brief, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, [illegible] Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

[illegible] Hutchinson

FILED
MAR 27 1905
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PAGE 4

R.

C. D-954.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sarah M. White for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant's husband, Alfred N. White, was notified by registered letter February 25, 1902, that the application of his wife for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 13th day of March, 1902, appears by her husband and by her attorney, W. A. Gibson, Muskogee, I. T.

ALFRED WHITE, being first duly sworn, and being examined, testified as follows:

BY MR GIBSON OF MR. WHITE: What is your name? A. Alfred N. White.
Q. What relation are you to Sarah White? A. Husband.
Q. She is the daughter of Richard Riley, is she? A. Yes sir.

Q. State where you reside at this time. A. Reside at Collinsville.
Q. In the Cherokee Nation? A. Yes sir.
Q. What district? A. Cooweescoowee.
Q. How long have you lived there? A. Since 1897.
Q. In your testimony given in this matter December 13th, 1900, you stated that you removed from Oklahoma to the Cherokee Nation on the 2nd of September, 1896. State whether or not that is correct.
A. It is a mistake.
Q. What was the true date? A. September 2, 1897
Q. State whether or not you have resided in the Cherokee Nation ever since that time. A. Yes sir.
Q. Upon the same place that you now live on? A. No sir, first lived down the river on a place, but could not pay for it, and moved out to Beatty's Prairie to another place.
Q. What size place have you now? A. 240 acres.
Q. How many members of your family are Cherokees by blood?
A. Wife and one child.
Q. How old was your wife when you married her? A. Twenty.
Q. What was the date of your marriage? A. The 19th of August, 1897.
Q. How long after your marriage was it that you came to the Cherokee Nation to live? A. The 2nd day of September/ 1897.
Q. You bought a place as soon as you came back to the Cherokee Nation to live? A. Yes sir.
Q. How far was that from the place where you now live?
A. About a mile and a half.
Q. Have you a house on the place on which you now live?
A. Yes sir.
Q. State whether or not your wife has lived with you all the time since you were married? A. Yes sir.
Q. State whether or not she had any property of any kind at the time of your marriage? A. Yes sir, she had a horse and cow.
Q. Where were they? A. In Oklahoma.
Q. Did you bring them with you to the Cherokee Nation? A. Yes sir
Q. You do not claim to be a Cherokee citizen yourself, do you?
A. No sir.

The attorney for the applicant and the representative of the Cherokee Nation submit the case, same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests, and will be granted, fifteen days in which to file brief, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. June 8th 1902.

In the matter of the application of Sarah M. White et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 954.

Brief on part of the Cherokee Nation.

The testimony in this case shows that the applicant Sarah M. White is a daughter of Richard Riley who is listed for enrollment upon Cherokee Doubtful Card Number 946. That they moved to the Cherokee Strip in about the year 1890 where they were living when it was annexed to the Territory of Oklahoma on September 16, 1893 that she continued to live there with her father where he exercised and enjoyed all the rights and privileges of citizenship as any other citizen of the Territory of Oklahomawhere her brethers voted until she married in August 1897 whom it is claimed that she and her husband returned to the Cherokee Nation and permanently located in 1897 in the month of September. During all the time that she lived in Oklahoma neither her father or any members of her family retained any property in the Cherokee Nation but were residents of the Territory of Oklahoma and became citizens of that Territory and we contend that at the very moment they became citizens of the Territory of Oklahoma they forfeited their right to be enrolled as citizens of the Cherokee Nation and it was necessary for the applicant to have been readmitted to citizenship in the Cherokee Nation upon her return. The evidence shows that she was not readmitted to citizenship in the Cherokee Nation and her right to enrollment it would seem depends upon that of her father because his domicile and citizenship was hers, and as we do not believe under the law he is entitled to be enrolled as a Citizen of the Cherokee Nation, neither do we think the Commission should enroll the applicant.

Respectfullysubmitted,

Attorney for the Cherokee Nation.

D957

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation.

Approved [illegible] 1902 190

[illegible] Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 13 1902

[illegible] ACTING CHAIRMAN

BIRTH AFFIDAVIT. 20

Duplicate

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Ida. May. White (Here insert name of child), born on the 8th day of November, 1898

Name of Father: A. N. White, a citizen of the Cherokee Nation.

Name of Mother: Sarah M. White, a citizen of the Cherokee Nation.

Post-office, Tahlequah, I.T. Ind. Terry

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District,

I, Sarah M. White, on oath state that I am 26 years of age and a citizen, by Birth, of the Cherokee Nation; that I am the lawful wife of A. N. White, who is a citizen, by Marriage, of the Sine 1885 Nation, that a female child was born to me on the 8th day of November 1898; that said child has been named Ida May White, and is now living.

Sarah M. White

WITNESSES TO MARK

(Must be Two Witnesses) M. E. Hilts. David Gayett

Subscribed and sworn to before me this 4 day of June 1902

John H. French NOTARY PUBLIC.

My Com. Expires May 22nd 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

~~UNITED STATES OF AMERICA, INDIAN TERRITORY, District.~~ State of Kansas Labette County SS.

I, J. B. Hill, a Doctor, on oath state that I attended on Mrs. Sarah M. White, wife of A. N. White, on the 8 day of ~~May~~ Nov. 1898, that there was born to her on said date a ~~Male~~ Female child; that said child is now living and is said to have been named ~~Ida May~~ White.

John B. Hill.

WITNESSES TO MARK:

(Must be Two Witnesses) Mrs Stephen White. G. Mattox.

Subscribed and sworn to before me this 11 day of June 1902

Stanton G. Watters NOTARY PUBLIC.

My Comm. Exp. Nov 1st 1904

Cherokee D 954

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah M. White and her minor children, Ida M. White and Clarance S. White, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on December 13, 1900, Alfred N. White appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Sarah M. White, and his minor child, Ida M. White, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902. On June 18, 1902, birth affidavits were filed with the Commission showing the birth of Clarance S. White since the date of this application, on May 22, 1902.

The evidence shows that Sarah M. White is the daughter of Richard Riley, who is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, and Mellie Riley, his wife, a white woman.

The evidence further shows that Sarah M. White, nee Riley, was lawfully married to Alfred N. White, a white man, on August 19, 1896, and that Ida M. White and Clarance S. White are the minor children of said Alfred N. White and Sarah M. White.

The evidence further shows that Sarah M. White resided in the Cherokee Nation until 1890 when she removed to the Cherokee Strip, now a part of Oklahoma Territory, where she resided until 1897, when she returned to the Cherokee Nation, together with her husband, Alfred N. White, and has since continuously resided therein up to and including the date of this application; that the said Sarah M. White is duly identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee and upon the 1894 Strip payment roll as a Reservator.

The evidence further shows that Ida M. White was born and has always resided in the Cherokee Nation and is duly identified by birth affidavits on file with this Commission, and that Clarance S. White was born and has always resided in the Cherokee Nation and is duly identified by birth affidavits on file with the Commission.

It is, therefore, the opinion of this Commission that Sarah M. White and her minor children, Ida M. White and Clarance S. White, should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this DEC - 1 1902

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 15th 1902.

In the matter of the application of Sarah N. White et al for enrollment as citizens of the Cherokee Nation.

Cherokee D #954.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case and asks that the same be forwarded to the Honorable Secretary of the Interior for review..

The testimony in this case shows that the applicant Sarah N. White is a daughter of Richard Riley who is listed for enrollment upon Cherokee D Card Number 946; that they moved to the Cherokee Strip about the year 1890 where they were living when it was annexed to the Territory of Oklahoma on September 16th 1893 that she continued to live there with her father where he exercised and enjoyed all the rights and privileges of citizenship as any other citizen of the Territory of Oklahoma; where her brothers voted; and where she married in August 1897; when it is claimed that she and her husband returned to the Cherokee Nation and permanently located in 1897 in the month of September. During all of the time that she lived in Oklahoma Territory neither her father nor any of the members of her family retained any property in the Cherokee Nation but were residents of the Territory of Oklahoma and became citizens of that territory, and we contend that at the very moment that they became citizens of the Territory of Oklahoma that at that very moment they forfeited their right to be enrolled as citizens of the Cherokee Nation and it was necessary for the applicant to have been readmitted to citizenship in the Cherokee Nation upon her return. The evidence shows that she was not readmitted to citizenship in the Cherokee Nation and her right to enrollment, it would seem, depends upon that of her father because his domicile and citizenship was here and as we do not believe under the law he is entitled to be enrolled as a citizen of the Cherokee Nation neither do we think the

applicant enrolled.

The act of Congress approved June 10th 1896 provided, that "The United States Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United states and all treaties that either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes."

Article I Section 2 of the Constitution of the Cherokee Nation provides:

"Whenever any citizen shall removed with his effects out of the limits of this nation and becomes a citizen of any other government all his rights and privileges as a citizen of this nation shall cease; provided nevertheless the National Council shall have power to readmit by law to all of the rights of citizenship any such person or persons who may at any time desire to return to the nation on memmoralizing the National Council for such readmission."

It will be observed that it was contemplated by the Cherokees that in order that any one might retain his citizenship that he must continuously reside in the Cherokee nation and that whenever he removed out of the limits of the Cherokee Nation and became a citizen of another Government his rights as a citizen of the Cherokee nation should cease; the testimony in this case is clear that the applicants removed out of the limits of the Cherokee nation in 1890; left no effects in the Cherokee nation; they became citizens of the territory of Oklahoma and remained there for more than four years after the Cherokee Strip became a part of Oklahoma, voted there and otherwise exercised the rights of citizenship. If the act of June 10th 1896 means anything it means that the laws of the Cherokee Nation should be respected and in as much as the Constitution is the fundamental law of the Cherokee Nation and in as much as under the provisions of its constitution these people are not entitled to be enrolled we are forced to dissent from the opinion of the Commission and respectfully ask that the Secretary of the Interior construe this provision of the Cherokee Constitution together with the acts of Congress referred to. These applicants certainly became citizens of the Territory of Oklahoma, were they then citizens of the Cherokee Nation? Answer, certainly not. If they were not citizens of the Cherokee Nation have they been readmitted as the Constitution of the Cherokee nation provides or was provided by an

act of Congress? They do not claim that they were ever readmitted and having acquired citizenship in the Territory of Oklahoma they were stilll citizens of that Territory and not citizens of the Cherokee Nation and not entitled to be enrolled as citizens of the Cherokee Nation.

We desire to be understood in this case not to say that because the applicants took a reservation in the Cherokee Strip that Sarah M. White lost her rights but it is her continuous residence after the Cherokee Strip became a part of Oklahoma for four years and the citizenship which she exercised in that new territory which lost to her, her right in the Cherokee Nation. In other words we contend that the very moment she became a citizen of the Territory of Okl homa that very moment she lost her rights to be enrolled as a citizen of the Cherokee Nation and it was necessary for her to have been readmitted to citizenship in the Cherokee Nation before she could be enrolled as a citizen of the Cherokee Nation.

We submit therefore that the Commission decision in this case should be reversed and the applications should be denied.

Respectfully submitted,

W. W. Harlan

Attorney for the Cherokee Nation.

Attest:

J. C. Starr

Stenographer for the Cherokee Nation.

COMMISSION
FILED
FEB 1902

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. Alfred N. White,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of your wife Sarah M. and your minor child Ida M. White for enrollment as citizen s of the Cherokee Nation will be taken up for final consideration ~~by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on~~ the 13 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-984
Register.

Yours truly,

~~Acting Chairman.~~

Commissioner in Charge.

Cherokee D 954

Muskogee, Ind. Ter., June 3, 1902.

Mrs. Sarah White,

Collinsville, Ind. Ter.

Madam:

In the matter of the application of yourself and daughter, Ida May, for enrollment as citizens of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you furnish this Commission with affidavit of birth of your daughter, Ida May.

Enclosed you will find a blank form of affidavit which you are requested to properly fill out and return to this Commission by June 18, 1902.

Yours truly,

Acting Chairman.

Register.

COPY.

Cherokee D 984.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,
Acting Chairman.

Enclosure N. No. 10.

COPY.

Cherokee R-354.

Muskogee, Indian Territory, December 30, 1903.

N. A. Gibson,

Attorney for Sarah M. White, et al,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application of Alfred M. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated December 1, 1902, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the Attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. R-407.
Register.

Copy

Cherokee D-954.

Muskogee, Indian Territory, December 20, 1902.

Alfred N. White,

Collinsville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting your application for the enrollment of your wife, Sarah M. White, and your two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation.

There has this day been forwarded to your attorney, N. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the Attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. N-406.

Register.

Commissioner in Charge.

Cherokee D-954.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 1, 1902, granting the application of Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on December 2, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

-COPY-

Cherokee D-954.

Muskogee, Indian Territory, December 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Alfred M. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated December 1, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is inclosed.

Respectfully,

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Enc. N-408.

(COPY)

Refer in reply
to the following:
Land
76077-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah M. White and her minor children Ida M. White and Clarance S. White, as citizens by blood of the Cherokee Nation, on December.

On December 1, 1902, the Commission rendered a decision in this case finding that the evidence shows that Sarah M. White is the dauhter of Richard Riley, who is identified upon the 1886 authenticated roll of the Cherokee Nation as a native Cherokee, and Mellie Riley his wife, a white woman; that said Sarah M. White, nee Riley, was lawfully married to Oliver N. White a white man, on August 19, 1896, and that said children are the minor children of said Oliver N. and Sarah M. White; that said Sarah M. White resided in the Cherokee Nation until 1890, when she removed to the Cherokee strip, now a part of Oklahoma Territory, where she resided until 1897, when she returned to the Cherokee Nation together with herhusband, and

has since continuously resided therein up to and including the date of this application; that she is duly identified upon the 1880 authenticated roll of the Cherokee Nation; is a native Cherokee and upon the 1894 strip payment roll as a reservater; that said children were born and have always resided in the Cherokee Nation and are wholly identified by birth affidavits on file with the Commission.

By reason of said statement of facts, the Commission holds that the said applicant and her minor children should be enrolled as citizens by blood of the Cherokee Nation, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat. 495.

The office has examined the evidence of record in this case, and considers that it fully supports the finding of facts as set out by the Commission in its decision herein, and further considers that said facts fully substantiate the claim of the applicant that she and her minor children are entitled to enrollment as citizens by blood of the Cherokee Nation. It is, therefore, the opinion of the office that the decision of the Commission, aforesaid, is correct, and it is hereby respectfully recommended that the same be affirmed by the Department.

Very respectfully,

A. C. Tonner

Acting Commissioner.

W.C.B. M'r

D.C.3332-1903. JP.

DEPARTMENT OF THE INTERIOR, ETC.

I.T.D.843-1903. WASHINGTON.

L.R.S. January 31, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 20, 1902, you transmitted the record in the Cherokee enrollment case of Sarah M. White, et al., (D 984), in which the Nation protested against your decision in favor of the applicants, on the alleged ground that Mrs. White became a citizen of Oklahoma in 1893, or between that time and 1897, when she returned to the Cherokee nation from Oklahoma, basing this contention apparently on something in the testimony in the case of her father, Richard Riley "D.Card number 946." It is therefore requested that you submit to the Department as soon as practicable the case of Richard Riley.

Respectfully,

Thos. Ryan,

Acting Secretary.

J.P.

DEPARTMENT OF THE INTERIOR. FHE

I.T.D. 842-1903. Washington.
5064- " September 29, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 2, 1902, you rendered a decision in the case involving the application of Alfred N. White, a white man, for the enrollment of his wife, Sarah M. White, and his minor children, Ida M. White and Clarance S. White, as citizens by blood of the Cherokee Nation, against which decision the Nation protests.

It appears that the principal applicant is the daughter of Richard Riley, who is identified on the 1880 authenticated roll of the Cherokee Nation as a native thereof; that she was married in Oklahoma to White, August 19, 1897 (not 1896 as stated in your decision), and immediately thereafter returned to the Cherokee Nation. It is shown that Sarah M. White resided in the Cherokee Nation until 1890, when she, a minor, removed to the Cherokee strip, now part of Oklahoma Territory, with her father Richard Riley, where she resided until the time of her marriage, when she returned to the Cherokee Nation, together with her husband, and has continuously resided therein up to and including the date of her application in this case.

Ida M. White and Clarance S. White were born in the Cherokee Nation and have always resided there.

The Nation contends that Sarah M. White became a citizen of Oklahoma and that during the time she resided in Oklahoma, as neither she or her father retained property in the Cherokee Nation, she is not entitled to enrollment, never having been "admitted" to Cherokee citizenship; that necessarily, her right to enrollment depends upon that of her father because his domicile and citizenship were hers.

Reporting in the matter January 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.

In a decision of even date the Department has found Richard Riley entitled to enrollment. It does not find any evidence in that case, nor does it find any in this case, showing that the applicants forfeited their citizenship in the Cherokee Nation by becoming citizens of Oklahoma.

Finding no reason to disturb your decision, it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

COPY

Cherokee D-954.

Muskogee, Indian Territory, October 8, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1902, granting the application of Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 29, 1903.

Respectfully,

Tams Bixby

Chairman.

Cherokee D-954.

Muskogee, Indian Territory, October 8, 1903.

N. A. Gibson,

Attorney for Alfred N. White et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1902, granting the application of Alfred N. White for the enrollment of his wife, Sarah M. White, and his two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 29, 1903.

Respectfully,

Tams Bixby.

Chairman.

Copy

Cherokee D-984.

Muskogee, Indian Territory, October 8, 1903.

Alfred M. White,

Collinsville, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 1, 1902, granting your application for the enrollment of your wife, Sarah M. White, and your two minor children, Ida M. and Clarance S. White, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 29, 1903.

Respectfully,

Tams Bixby

Chairman.

Cher 10304

Mollie E. Parr

Trans. from D1076

Cher 10304

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 31 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 29th, 1901.

IN THE MATTER OF THE APPLICATION OF Mollie E. Parr for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Mollie E. Parr.
Q What is your age? A Twenty nine.
Q What is your Postoffice address? A Edna, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you want to enroll? A Myself.
Q Just yourself? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A W. M. Parr.
Q What was your name before you were married? A Reaves.
Q When were you married? A 21st day of August.
Q Last August? A No sir, three years ago this coming August.
Q What is your father's name? A John Reaves.
Q Is he living? A Yes sir.
Q What is your mother's name? A M. A. Reaves.
Q Is she living? A Yes sir.

(1896 Roll, Page 62, #1695, Mollie Reaves, Canadian District)

Q Have you ever been admitted to Cherokee citizenship by the Cherokee Council? A I was under age at that time. (Referring to the time her parents were admitted)
Q Where were you born? A Texas.
Q How long have you lived in the Cherokee nation? A Fourteen years.

Com'r. T. B. Needles: The name of Mollie E. Parr appears upon the census roll of 1896 as Mollie Reaves: Her name does not appear upon the authenticated roll of 1880: She avers that she is the child of John and M. A. Reaves, whose names also do not appear upon the authenticated roll of 1880, but appear upon the census roll of 1896. She avers that she married one, W. M. Parr: She also avers that at the time of the admittance of her father, she was a minor. (For testimony as to admission of John Reaves, see Card Doubtful #1074)
Said Mollie E. Parr is duly identified and makes satisfactory proof as to her residence: Because of the insufficiency of proof of the admission of her father, final judgment as to the enrollment of the said Mollie E. Parr, child of John Reaves, will be suspended and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of January, 1901.

COMMISSIONER.

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 29 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. COOWEESCOOWEE.

CHEROKEES BY BLOOD AND ADOPTION.

Date JAN 29 1901 1900.

99 Name Mollie E. Parr Edna Kansas

District CANADIAN. Year 1896 Page 62 No. 1695

Citizen by blood yes Mother's citizenship Parents John Reaves L / M. U. L

Intermarried citizen

Married under what law Date of marriage 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Dist Appl

On 1896 roll as Mollie Reaves

See D Cert 1074

[illegible] as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony touching the matter in dispute. The [illegible] was this day, [illegible] the 19th day of March, 1902, when called for hearing [illegible] the record either in person or by attorney, the case is declared completed and will be reported by the Commission for final action based upon the evidence now of record.

I, J. D. Benson, being first duly sworn, do hereby [illegible] that I am stenographer to the Commission to the [illegible] tribes; that I correctly recorded the testimony and proceedings had [illegible] day in the above case, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

RECEIVED
MAR 19 1902
SECRETARY TO THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

GMD 1010

Supl.-C.D.#1076.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of MOLLIE E. PARR as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting her application. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oo0Ooo---

I, J. O. Rosson, ~~being first~~ do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this the 30th of January 1901.

T. B. Needles,
Commissioner.

Ella Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and correct copy of the original transcript.

Ella Mielenz

Subscribed and sworn to before me this 8th day of July 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. January 29th, 1901.

In the matter of the application of John A. Reaves, for the enrollment of himself and wife as Cherokee citizens. He being first duly sworn before Commissioner T. B. Needles, testified as follows:

Q What is your name? A John A. Reaves.
Q What is your age? A I am 59.
Q What is your post office address? A Muskogee.
Q What district do you live in? A I am living here in town now.
Q Are you a recognized citizen of the Cherokee Nation? A I have been.
Q Are you now? A Yes sir.
Q By blood? A Yes sir.
Q Who do you desire to have enrolled? A Myself and wife.
Q What is her name? A Martha A.
Q Is she a Cherokee citizen by blood? A No sir.
Q What is her age? A 44
Q When weseyou married to her? A In '69.
Q Is your name on the 1880 roll? A No sir.

1896 roll page 62, No 1694, John A. Reaves, Canadian District.
1896 roll page 92, No 240, Martha Reaves, " "

Q Did you draw strip money in 1894? A Yes sir.
1894 roll page 86, No 1814, John Reaves, Canadian District.

Q How long have y ou lived in the Cherokee Nation? A 13 years about.
Q What degree of blood do you claim? A 1/16.
Q Where did you come from to the Cherokee Nation thirteen years ago? A From Texas.
Q Have you ever been admitted to citizenship in the Cherokee Nation? A I thought so.
Q Did you apply to the Dawes Commission in the year 1896? A No sir.
Q Did you live in the Cherokee Nation previous to coming here some thirteen years ago? A Yes sir.
Q When did you leave the Cherokee Nation and remove to the State of Texas? A In '54.
Q And staid in Texas until thirteen years ago? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q Were you admitted to citizenship by the Court or Council? A By Council.

ALEXANDER JORDAN, called and sworn as a witness, testified as follows. Examined by Commissioner T. B. Needles:

Q What is your name? A Alexander Jordan.
Q What is your age? A 65.
Q What is your post office address? A Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know John A. Reaves? A Yes sir.
Q Do you know anything about his re-admission to Cherokee citizenship? A I know that his mother is a sister of mine, and that at the time of the Old Settler Payment--my sister had married a man named Polk after Reaves' father had died- Polk was his step father and he was called Polk and put down on the Old Settlers Roll as John

Polk instead of John Reaves, and when he came back here from Texas where he had gone some time before, he tried to get on the roll under the name of John Reaves, and they had some trouble and I went to Tahlequah and identified him as the same man whose name was down as John Polk. That is about al l that I know about it.
Q Did he apply for readmission to the Council? A Yes sir.
Q What did the Council do? A Council passed him--I went before the Committee and identified him as the same man who was on the Old Settler roll as John Polk.

By Mr. W. W. Hastings:

Q When was that? A I dont remember the exact date, but it was some twelve or thirteen years ago.
Q I want to call your attention to the fact that a citizenship court was established in 1886 to hear citizenship cases and that it heard them until about 1889 or '90, and that during that time Council never passed on any cases of that kind. A This was in 1888 I think it was that he went before Council.
Q Did you not know that there was a citizenship Court at that time and that they had a regular docket, and kept a record of all the applications that came before them? A I never did, I applied for admission and I was re-admitted and I never put in any regular application for citizenship but simply applied to be readmitted.

By the Commission:

Q You have a certificate of re-admission have'nt you? A No sir.

By Mr. Hastings:
Q That was before 1880? A Yes sir.

By the Commission:
Q Then your name is on the 1880 roll? A Yes sir.
By Mr. Hastings: "Well that is the reason you dont need a certificate."
Statement by the Applicant:
"I have a brother that was re-admitted before me and also a brother and a half brother that was readmitted after me and they have their papers."

WALTER S. AGNUE, called and sworn as a witness, testified as follows:
Examined by Commissioner T. B. Needles:
Q What is your name? A Walter S. Agnue.
Q What is your age? A 58
Q What is your post office address? A Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know John A. Reaves? A Yes sir.
Q Please state any facts that you may know of his readmission to Cherokee citizenship? A Well he placed his case in my hands; I was a member of the Council at the time and I presented the claim before the Committee on Citizenship and the claim passed Council, and they had some little squabble about his name being on the Old Settler Roll as John Polk and he wanted to get on as John Reaves. He claimed that his name was John Reaves and that he wanted to get on in that and after some trouble over it they passed it all right. He was identified as the same person whose name was on the Old Settler Roll as John Polk. It was passed all right and was published in the Cherokee Advocate, I saw it there in print.

By Mr. Hastings:
Q You was a Senator from 1889 to 1890--or rather during 1889 and 1890? A Yes sir.
Q What time was it that this claim was passed? A I dont remember

exactly, but I think it was the last regular session of the Council of 1888.
Q That was before you was a Senator? A I went before the Committee with the claim.
Q Was that before you was a Senator? A Yes sir.
Q Was the Adair Cout in session at that time? A Yes sir.
Q Why did'nt you present that case to the Adair Court; did'nt you know that they were trying cases of that kind? A The Council was also taking them up- they took up several cases of this kind while the Adair Court was in Session.
Q What reason did you have for presenting it in the way that you did and not going before the Court that had been established to try cases of this kind? A Because he was applying for re-admission, and not for citizenship. He had lived here before and had come back and was only applying to be readmitted and not for citizenship. The Adair Court was established to try cases that were for citizenship and not for those who wanted to be re-admitted: Council tried those kind, was my understanding.
Q The Adair Court had jurisdiction over just such cases, and it was the duty of that court to re-admit persons to citizenship as well as to try regular citizenship cases, was it not? A My opinion was that it was to try regular citizenship cases and that the C ouncil was the place to apply for re-admission.

By the Commission:

Q Have you ever examined the proceedings of that council since then to see if there was any record of this case? A Yes sir, and looked for two days and could not find it. There is no record there of any of the proceedings of that session, they seem to have been lost or destroyed. We could not find them.

By Mr. Hastings:

Q Who was Clerk of your Senate that year? A Baxter Sheat.
Q Are there no records of the proceedings of Council for that year? A No sir, we looked over all the records there and the Journal of the House is missing for that session.
Q Was the Journal for the Senate for that year missing also?
A No sir, it is there, but the one for the House is not there.
Q Could you not tell from the Journal of the Senate where theyhad concurred, in what the House had done with the bill? A No sir, you cannot tell from that for the Journal of the Senate simply says "Council Bill number so and so, concurred in.", and you cannot tell from that what the bill contained, the only way to tell that is to see the Journal of the Council where the bill was started. The Council Journal is the one I hunted for- me and Walter Fields hunted for it for two whole days and looked over all the records there a and could not find it. We looked through every thing except in a desk thewethat he said he had lost the keys to and that had not been opened for years. There are some books in there that we did not examine because we could not get at them, but all the others that are there we looked at and could not find anything about this case, or about any of the proceedings for the Council of that year--they are not there.

RICHARD NEAL, being called and sworn as a witness , testified as follows.
Examined by Commissioner T. B. Needles:

Q What is your name? A Richard Neal.
Q What is your age? A 64.
Q What is your post office address? A McLain, I.T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know John A. Reaves? A Yes sir.

Q State what facts you know of his re-admission to citizenship by the Cherokee Council. A I was a member of the Council at that time and it came up while I was there. I dont remember much about it, except that it came up and was passed after some little trouble over the name. Council was doing that kind of work more or less all the time and this case did not attract my special attention except that I recollect that there was some trouble over his nameand that at last he was re-admitted through council. I dont know that I paid much attention to it at the time.

By Mr. W. W. Hastings:

Q Do you know that he was re-admitted? A That is my recollection.
Q Was he re-admitted in an Act all by himself? You know that sometimes there are several families embodied in one act and some times there is only one, do you know how this act was? A I cannot say as to that. Mr. Agnue was Chairman of the Committee at the time I believe and he presented the matter there, and they seemed to be having some trouble about the name. I believe he was on the Old Settler Roll as Polk and he wanted to be re-admitted under his name of John Reaves, and there was one of the members named Ross that held out a good while against admitting him as Reaves--he was donw as John Polk.

By the Commission:

Q Did you ever examine the records yourself to see if there was anything to show that he was re-admitted by council? A No sir.

By Mr. Hastings:

Q Who was Clerk of the Council then? A Walter Fields I believe.

By Mr. Hastings of applicant John A. Reaves:

Q Is it not possible that you were admitted with some other people? Sometimes these bills would include five or six families and be under the heading of the first one and in looking over the records it is possible that you could not find your name because the bill which admitted you was headed with some other name than yours and that you were included in the body of the bill. A Yes sir, it might be, but I had men look after it and they said that they had looked over evrything and could not find it. I written to this man Alberty and he said that he had not been able to find anything there of it. I seen two or three members of the Council who were there when the case was up and they all say they remember of its being up and of council having passed it.
Q How long did you say you had been here in the Cherokee Nation this last time? A Thirteen years.
Q Have you been here continuously for thirteen years since coming back from Texas? A Yes sir, and I was here when I was a boy before I went to Texas--I drew money at Gibson when I was a boy.
Q Why did'nt you put your case in before the court that had jurisdiction over such cases instead of going to council? A I went over there and presented my case instead of going to council members and they said they would look after it and I left it with council and came right back here.
Q And they afterwards told you that you were re-admitted? A Yes sir, and I saw it in the Cherokee Advocate--I remember reading it in there over at Sever's Store.
Q Why dont you sea reh for the files of the Advocate and see if you cannot find a copy of the paper that had a report of these proceedings? A It has been looked over and cannot be found.

. . . . The name of John A. Reaves appears on the census roll of 1896 and on the pay roll of 1894 as a Cherokee citizen by blood; the name of his wife Martha A. appears on the census roll of 1896 as

an intermarried white. Neither his name nor the name of his wife appears on the authenticated roll of 1880. Testimony has been given as to his readmission, which is referred to by reason of no positive proof as to his readmission to Cherokee citizenship, final judgment as to his enrollment as a Cherokee citizen by blood, and as to the enrollment of his wife Martha A. as a Cherokee citizen by intermarriage, will be suspended and their names will be placed on a doubtful card.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 30th of January 1901.

T. B. Needles,
Commissioner.

Ella Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and correct copy of the original transcript.

Ella Mielenz

Subscribed and sworn to before me this 9th day of July 1902.

Seal

Notary Public.

I, Ella Nielsen, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the above copy, and that the same is a true and correct copy of the original transcript.

Ella Nielsen

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

JUL 8 1902

R
C D 1074

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 15, 1902.

Supplemental Testimony and Proceedings in the matter of the application of John A. Reaves for the enrollment of himself as a Cherokee citizen.

Appearances:
Applicant in person, and by Thomas Owen, Muskogee, I.T. attorney for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

By Commission: The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee Indian Territory, on the 15th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit, the 15th day of March, 1902, appears in person and by attorney, Thomas Owen.

JOHN A. REAVES, being first duly sworn and being examined testified as follows:

By Mr. Owens:

Q What is your name? A John A. Reaves.
Q How old are you? A I am 59 years old.
Q What is your post office address at present? A Muskogee.
Q Are you a Cherokee Indian by blood? A Yes sir, always been considered that.
Q Have you ever been recognized as a Cherokee citizen? A I have, yes sir I have been, always since I have been here been recognized as a Cherokee citizen.
Q When were you first recognized as a Cherokee citizen, or exercised rights as a citizen? A When I was about 9 or 10 years old.
Q Through what source do you get your Cherokee blood? A My mother
Q What was your mother's name? A Elizabeth Jordan before she was married.
Q How many times was she married? A Married three times.
Q What was the name of her first husband? A Dimer Reaves.
Q Was that your father? A Yes sir.
Q What was the name of her second husband? A Benjamin Pope.
Q What was the name of her former husband? A Bain.
Q Did you own any property in the Cherokee Nation? A Yes sir.
Q What does it consist of? A A few head of cattle and a place.
Q Farm? A Yes sir, farm.
Q How long have you owned that farm? A I have only owned that farm about three years.
Q Have you ever owned any farm or real property in the Cherokee Nation before you bought this one? A Yes sir, I made a farm here.
Q When? A I commenced it in 1889.
Q That was the first property you owned in the Nation? A Yes sir, in the way of land.
Q Where was your mother born? A Well sir, my mother I think was born in the Old Nation.
Q Do you know when she first came to the Nation? A Why no sir, I could'nt say exactly; she came amongst the Old Settlers that first came to this country.
Q Was she one of the old settler Cherokees? A Yes sir.
Q Have you ever participated in any of the Cherokee payments? A Yes s ir, all of them, that is, since I have been here.
Q Did you participate in the Old Settler Payment? A Yes sir.
Q Strip payment? A Yes sir. (Hands attorney a paper.)
Q In what year were you born? A Well sir, I was born in '42, I believe.
Q Do you know whether or not your mother's name appears on that

roll of '51 as a Cherokee? A That was the Old Settler Roll?
Q I think so-yes? A Yes sir, I suppose it xxxx is.
Q What was her name at that time? A Elizabeth Pope.
Q What were the names of her children at that time? A John, William, Dimer and Andy.
Q What is your first name? A John.
Q Are you the John that is on that roll? A Yes sir.
Q Do you know whether your name appears on the roll of 1896?
A Yes sir, it does.
Q Have you any middle name? A Well, yes sir.
Q What is it? A Alex, generally sign my name John A. Reaves.

BY MR. HASTINGS:

Q Did you go to Texas during the war or just before? A I went to Texas before the war.
Q About how long? A Well, I could'nt tell you, Mr. Hastings, how long.
Q And come back about '88 or '89? A Come back in the fall of '88.
Q Married in Texas? A Yes sir.
Q When were you married? A I was married in 1869.

JOHN D. Jordan, being first duly sworn and examined testified as follows:

BY MR. OWEN:

Q What is your name? A John D. Jordan.
Q How old are you? A 48 years old, the 7th day of this month.
Q What is your post office address at this time? A Ramonia.
Q Are you a citizen of the Cherokee Nation? A I am.
Q Do you know John A. Reaves? A Yes sir.
Q Do you know whether he is a Cherokee by blood or not? A No sir, but my understanding is that he was, been my teaching ever since I have been big enough to know him; I have known him all my life.
Q Are you related to that family? A Yes sir.
Q What was his mother's name before she was married? A Her name was Jordan.
Q What relation is she to you? A My own aunt.
Q You know whether his mother was an Old Settler Cherokee or not?
A Best of my knowledge she was.
Q That is your understanding is it? A Yes sir.
Q You know what part Cherokee he is? A Well I suppose about one-sixteenth.
Q Has he been recognized as a Cherokee Citizen? A He has ever since he has ben here, enjoyed all the rights and privileges of other Cherokees.
Q How long has that been? A Ever since 1888, I think, best of my knowledge, '88 or '89.
Q You know whether he was re-admitted to citizenship or not when he came back from Texas? A It is my understanding that he was, by authority through members of our National Council.
Q Did you appear before Council for him? A No, I went there in the spring of '89, I reckon; we thought probably we could get his claim in, but I think it was an extra session of Council and we could'nt do anything with it.
Q You were not a witness when he was finally admitted? A No, I dont think I was.
Q You never knew him in the Cherokee Nation until '88 or '89?
A No sir.
Q You did'nt know him before the war? A No sir.

BY MR. OWEN:

Applicant offers a certificate of B. W. Alberty, showing that his name appears upon the roll of 1851, together with the name of his mother, whose name at that time was Elizabeth Pope.
BY COMMISSION: Same will be filed and made part of the record.
BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. Same is deemed

completed , and will be reported to the Commission for final decision, based upon the evidence of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I,
H. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

H. D. Green.

I, Ella Nielsen, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the above copy, and that the same is a true and correct copy of the original transcript.

Ella Nielsen

Subscribed and sworn to before me this 7th day of July, 1906.

[Seal]

Notary Public.

Subscribed and sworn to before me this 18th day of June, 1902.

P. G. Reuter, Notary Pub;ic.

Ella Mielenz, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes she made the above copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

Cherokee D 1076

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 12, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D-1074.

In the matter of the application of Charles B. Reeves et al for enrollment as citizens of the Cherokee Nation, D 1117.

In the matter of the application of Mollie E. Parr et al for enrollment as citizens of the Cherokee Nation, D 1076.

APPEARANCES:

John A.Reeves in behalf of applicants.
W. W. Hastings in behalf of Cherokee Nation.

Commission:

On the 9th day of June, 1902, John A. Reeves was notified by registered letter to furnish the Commission with a certificat e of his readmission to citizenship in the Cherokee Nation, and also with a certificate of his marriage to his wife, Martha A. Reeves.

On the 7th day of June, 1902, Charles B. Reeves was notified by registered letter to furnish this Commission with evidnce as to his admission to citizenship in the Cherokee N ation, also evidence as to his marriage to his deceased wife, Ella.

On the 9th day of June Mollie E. Parrwas notified by registered letter to furnish the Commission with evidence of her admission to citizenship in the Cherokee Nation.

The applicants this day, to wit the 12th day of June 1902, appear by John A. Reeves.

JOHN A. REEVES, being first duly sworn, testified as follows:
COMMISSION: Your name is John A. Reeves? A Yes sir.
Q What is your post office address? A Muskogee.
Q You are the father of Mollie E. Parr and Charles B. Reeves?
A Yes sir.
Q Where were you born Mr. Reeves? A I was born in Texas.
Q When did you come to the Cherokee Nation for the first time?
A First time I come her e when I was about nine years old; I couldnt tell you the year, I can cite you to the time I come here, about twelve months before the old settlers was paid out the first time.
Q How long did you continue to reside here at that time? A As well as I recollect I think we stayed here three years.
Q Then where did you go? A I went back to Texas.
Q How long did you live in Texas? A Well, sir, I lived in Texas till about - I come back here fourteen years ago last fall; my mother has been in here time and again, my mother died here.
Q Where were your two children born? A They was born in Texas.
Q Did you ever apply to the Council for re-admission to citizenship? A I did, sir.
Q What action, if any, did the council take? A Well sir, the best proof that I can get that it went through the lower house of the council, but never can find no records where it went through the Senate, no records of it at all.
Q Where were you married to your wife? A I was married in Texas.
Q In what county? A I was married in Nachadokies County.
Q Well have you examined the records of the county down there in order to ascertain whether or not your marriage license which was issued to you authorizing your marriage to your wife has been filed for record there? A Yes sir, I have written to both countie s, we got our license in Cherokee County, and was married in Nachadokies County, and I tried both Counties.

Q And you could'nt get any certified copy of it? A I could'nt get it there; could'nt be found.
Q Have you and your wife always lived together since your marriage? A Yes sir.
A Living together at this time? A Yes sir.
Q Now where was your son Charles B. Reeves, married? A He was married in Cam dian District, here in the Cherokee Nation.
Q Who married him? A Parson Sparks, I believe, lives at Vinita.
Q When was he married? A Well sir, I could'nt tell you without going to the records and looking; I could'nt tell you; Mr. Nizely here, they was married at his house; proof can be gotten by him.
Q How often have you participated in Cherokee payments since your return to the Cherokee Nation thirteen odd years ago; have you ever drawn any money other than the Cherokee strip money in 1894?
A Yes sir, I drew I think it was thirteen or sixteen dollars, they called the grass money here once.
Q What district were you living in at that time? A I was living in Camadian District, I drew the old settler money, the last old settler payment.
Q Did you have a child named William T. Reeves? A Yes sir.
Q Living or dead? A Dead.
Q Have you a daughter named Mary E.? A Yes sir.
Q Living? A Yes sir.
Q Is that now Mollie E. Parr? A Yes sir.
Q Did you have a child named Effie M? A Grand-child; that's Charles' child.

The applicant is identified on the 1890 Cherokee Pay roll on page 265, as J. A. Reeves.

Mollie E. Parr is identified on said roll on page 265, as Mary E. Reeves.

Charles B. Reeves is identified on said roll on page 265, as Charley Reeves, and his daughter is identified thereon as Effie M. Reeves.

Q Now this payment and the 1894 payment were the only payments that you ever participated in, were they not? A Three payments.
Q That is, aside from the old settler payment? A Yes sir.
Q That was'nt a citizenship roll? A No sir.

1894 roll, page 86, No 1814, John Reeves, Camadian District.
1894 roll, page 86, No 1815, Charles Reeves, Candian District.
1894 roll, page 86, No 1816, Effie M. Reeves, Camadian District
1894 roll, page 86, No 1817, Mollie E. Reeves, Camadian District

~~Q Now this payment and the 1894 payment were the only payments that you ever participated in, were they~~

MR. HASTINGS: What is the name of Charles' wife? A Ellen
Q What was her maiden name? A Whitley.
Q Where were they married? A They were married here in Camadian District, down about McLean.
Q About what year? A Well, sir about '88 or '89, I dont know which.

COMMISSION: It will be necessary for your son Charles B. to furnish us with evidence of his marriage? A He knew that; he is off today, and I'll send him up there as soon as he comes back. The evidence from Mr. Nizely, where he was married I suppose would be sufficient, at the house?
Q Yes. A All right, and I will try again about- try to get the proof about her marriage if you wanted-thought it was necessary.
Q Well you had better bring in several witnesses here who know that you and your wife have been living together continuously since you

have been living here in the Cherokee Nation. A Well I could do that very easily.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof .

Arthur G. Croninger.

Subscribed and sworn to before me this 18th day of June, 1902.

P. G. Reuter, Notary Public.

Ella Nielenz, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes she made the above copy and that the same is a true and correct copy of the original transcript.

Ella Nielenz

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

Read 1

Q And since that time had they always been living together as man and wife? A Yes sir.
Q Did you know Mr. Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A I did'nt see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir, until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes the sof.

E. G. Rothenberger.

Subscribed and sworn to before me this 26th day of June, 1902.
P. G. Reuter Notary Public.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being duly sworn, state that the foregoing is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

Cherokee D 1076

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 23, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D 1074.

In the matter of the application of Charles B. Reeves et al. for enrollment as Cherokee citizens, D 1117.

In the matter of the application of Mollie E. Parr et al. for enrollment as Cherokee citizens, D 1076.

Merriam Haltom, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Merriam Haltom.
Q What is your post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, John A. Reeves and Martha Reeves? A Yes sir.
Q How long have you known them? A I have known Mrs. Reeves since '72 and Mr. Reeves all my life.
Q Do you know when they wese married? A Yes sir.
Q When? A They were married a year or two before '72; I dont know how long, may be two or three years.
Q Did you see them married? A No sir.
Q How long after the marriage when you first saw them? A They had one child about eight months old.
Q When you saw them the first time? A When I saw them together; I saw Mr. Reeves and his father-in-law a year before that together.
Q Have they been living together continuously since that time? A Yes sir. Q Are they living together now? A Yes sir.
Q Are they generally recognized through the community as man and wife? A Yes sir.
Q Do you know Charles B. Reeves? A Yes sir.
Q Do you know Mollie E. Parr? A Yes sir.
Q Are they the children of John A. Reeves by his wife Martha? A Mollie is.
Q Is Charley by a different wife? A Yes sir, first wife.
Q What was his first wife's name? A Burkes.
Q Was she a white woman? A As near as I know she was.
Q She was'nt of Cherokee blood? A No sir, never claimed to be.
Q Do you know when he was married to his first wife? A No sir, I don't know exactly when. It was in the 60's somewhere I think. It was in the '60's, I dont know what date.
Q Did you know them living together as man and wife, Mr. Reeves and his first wife? A Yes sir.
Q Did you ever visit them while they were living together as man and wife? A No sir.
Q Were they recognized in the community as husband and wife? A Yes sir.

Alex Jordan, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Alex Jordan.
Q How old are you? A I am 65 years old, going on 66.
Q What is your post office address? A Muskogee.
Q Do you know John A. Reeves, the applicant in this case ? A Yes sir.
Q How long have you known him? A I have knowed him ever since I knowed anybody, he is a neighbor of mine. I am about five or six years older than he is.
Q How long have you known his wife? A Why his present wife I have known her I reckon ever since '66 or '67, I don't recollect exactly.
Q You know when they were married? A No sir, I do not; they were married about 60 miles below where I lived and they were married- I think they were married about six or seven months when they came to

John A. Reeves et al.
where I lived; his mother lived close to me; that was the first time I ever saw her, that was his present wife.
Q About how long ago was that? A They must have been married about '65 or '66, about '66 I think.
Q His first wife? A I mean his present wife; his present wife I expect they were married some time in '65 or '67. I dont recollect the date.
Q How long have you known them to live together as man and wife? A You see there was a space of ten or twelve years, a space of about eight or ted years I was'nt close to them ; I come to this country and left them in Texas.
Q When you left Texas were they living together as man and wife? A Yes sir.
Q Were they living together as man and wife when you saw them next in the territory the first time? A Yes sir, they had been here fifteen years.
Q And since that time had they always been living together as man and wife? A Yes sir.
Q Did you know Mr. Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A I did'nt see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir, until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 26th day of June, 1908.
P. G. Reuter Notary Public.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, being duly sworn, state that the foregoing is a true and correct copy of the original transcript.

Ella Milling

Subscribed and swern to before me this 7th day of July, 1908.

(Seal)

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Reaves et al., as citizens of the Cherokee Nation, consolidating the applications of:

John A. Reaves et al	Cherokee D 1074
Mollie E. Parr	Cherokee D 10 76
Charles B. Reaves et al	Cherokee D 1117

D E C I S I O N.

The record in these several cases shows that the following named applicants appeared before the Commission at the places hereinafter designated and made personal application for the enrollment of the following named persons as Cherokee citizens:

On January 29, 1901, John A. Reaves appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The application also included Martha A. Reaves for enrollment as a citizen by intermarriage of said nation, but her status as such has not been passed upon at this time, and she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, June 12, June 23, and October 28, 1902.

Mollie E. Parr, at Muskogee, Indian Territory, on January 29, 1901, made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 12, and June 23, 1902. On June 5, 1902, there was filed with the Commission an affidavit duly executed by Mollie E. Parr on March 16, 1902, from which it appears that John R. Parr was born on March 16, 1902; that he is the child of said Mollie E. Parr and that he was living at the date of the execution of the affidavit.

Charles B. Reaves at Muskogee, Indian Territory, on February 19, 1901, made application for the enrollment of himself and his minor child, Effie M. Reaves, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 23, and June 28, 1902.

The evidence shows that John A. Reaves is a Cherokee Indian, and he is identified on the roll of Old Settler Cherokees taken in 1851, and also on the Cherokee pay rolls of 1880 and 1894, and on the Cherokee census roll of 1896.

Mollie E. Parr and Charles B. Reaves are the children of said John A. Reaves, and are identified on the Cherokee pay rolls of 1890 and 1894 and on the Cherokee census roll of 1896.

Effie M. Reaves is the minor child of said Charles B. Reaves, and she is identified on the Cherokee census roll of 1896.

The evidence further shows that John A. Reaves, the applicant in chief, left the Cherokee Nation in 1854, being at that time twelve years old. He returned to said Nation in 1888, and has resided continuously therein since that time. It further appears that the other applicants herein are his descendants, and those returning with him to the Cherokee Nation in 1888 were minors. It is further shown that they have resided continuously in said Nation since that time. Effie M. Reaves and John R. Parr were born subsequent to the return of the other applicants herein, and they have lived continuously in the Cherokee Nation since their birth.

It is the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Yeargain et al., (ITD. 2909-1903), John A. Reaves did not forfeit or abjure his Cherokee citizenship during his absence from the Cherokee Nation. Therefore, John A. Reaves, Charles B. Reaves, Effie M. Reaves, Mollie E. Parr and John R. Parr should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Chairman.

(signed) T. B. Needles, Commissioner.

(signed) C. R. Breckinridge, Commissioner.

(signed) W. E. Stanley, Commissioner.

Dated at Muskogee, Indian Territory

this Sep 11 1903.

FILED
FEB 28 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1076

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mrs. Mellie E. Parr,

Mina, Kansas,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission to Cherokee citizenship.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-1076.

Muskogee, Indian Territory, April 3, 1902.

Mrs. Mollie Reaves Parr,

Edna, Kansas,

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you gave your name as Mollie E. Parr, while in the affidavit which you send as to the birth of your child, John R. Parr, it is noticed that your name appears, and you sign same, as Mollie Reaves Parr.

Will you please advise the Commission which is your correct name, and how you desire to be listed for enrollment as a citizen of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

Cherokee D-1076

Muskogee, Indian Territory, May 1, 1902.

Mrs. Mollie E. Parr,

Edna, Kansas,

Dear Madam:

The Commission has been advised by your father that you desire to be listed for enrollment as a citizen of the Cherokee Nation under the name of Mollie E. Parr. The affidavit as to the birth of your child John R. Parr, in which your name appears as Mollie Reaves Parr is therefore returned to you herewith. You are requested to have your name appear throughout the affidavit as Mollie E. Parr.

When this has been done please return the affidavit to the Commission where it will receive further consideration.

Yours truly,

Commissioner in Charge.

Encl. D-22.

Cherokee 9 1974
Cherokee 3 1975

Muskogee, Indian Territory, July 9, 1902.

Mr. J. T. Parks,

Executive Secretary Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

Will you please examine the records of the Cherokee Nation in your possession for an Act of the National Council of the Cherokee Nation, of about the year 1888 or 1889, or for some record of the re-admission of John A. Reeves or any of the members of his family, to citizenship in the Cherokee Nation, and furnish this Commission with a certified copy of whatever appears of record. If nothing regarding the re-admission of John A. Reeves or any member of his family, appears of record, or if the records have been lost or destroyed please make certificate to this effect.

Yours truly,

Acting Chairman.

Registrar.

Muskogee, Indian Territory, June 9, 1906.

Mrs. Willie M. Parr,
Ada, Oklahoma.

Madam:

You are required to supply this Commission with your certificate of admission to citizenship in the Cherokee Nation before June 24, 1906.

Yours truly,

Acting Chairman.

In answering refer to
Enrollment 0 1016
Enclosure.

COPY.

Cherokee D-1076.

Muskogee, Indian Territory, October 7, 1908.

Mollie E. Parr,

Edna, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1908, granting, among others, your application for the enrollment of yourself and your minor child, John R. Parr, as citizens by blood of the Cherokee Nation.

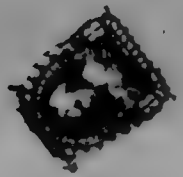
Respectfully,

Tams Bixby.

Chairman.

Register

Enc. D-43



Cher 10305
Charles B. Reaves
Trans. from D 1117

Cher 10305

[illegible] of the [illegible].
[illegible] to the [illegible] Cherokee.
[illegible] February, 1894.

[illegible] roll-
[illegible] He being [illegible]
[illegible] testified [illegible]

Q What is your name? A. Charles B. Reeves.
Q How old are you? A. 34.
Q What is your [illegible] occupation? A. Farmer.
Q What district [illegible] live in? A. [illegible]
Is it Muskogee [illegible] citizen [illegible]? A. Yes sir.
Q Are you [illegible] citizen? A. Yes [illegible].
Q By [illegible] or intermarriage? A. By [illegible].
Q When did you have your enrollment? A. [illegible] one child.
Q [illegible] have [illegible] no [illegible].
Q [illegible] that child? A. [illegible].
Q [illegible]
Q Was [illegible] Whitley before I married her.
Q What was your wife's maiden name? A. Ella Whitley before I married her.
Q Was she a Cherokee citizen by blood? A. [illegible].
Q Have you any [illegible] of her? A. Only [illegible] down with saw
me [illegible] Q.
Q [illegible] drinks.
Q [illegible] A. Yes sir. I think [illegible].
Q [illegible] have you of your citizen[illegible] to
[illegible] if [illegible] thought we was [illegible].
Q Have you a certificate of admission? A. No sir.
Q Did you apply to the Cherokee Council? A. Yes sir.
Q Did you apply to the Dawes Commission in 1896? A. I dont remember.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 19th 1901.

In the matter of the application of Charles B. Reaves for the enrollment of himself and one child as Cherokee citizens. He being sworn before Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Charles B. Reaves.
Q How old are you? A. 34.
Q What is your post office address? A. Muskogee.
Q What district do you live in? A. I live in Muskogee now; my home is in Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or intermarriage? A. By blood.
Q Who do you want to have enrolled? A. Myself and one child.
Q Is your wife alive? A. No sir.
Q What is the name of that child? A. Effie N.
Q How old? A. 11.
Q What was your wifes name? A. Ella Whitley before I married her.
Q Was she a Cherokee citizen by blood? A. No sir.
Q Have you any proof of marriage? A. Only a man here in town who saw me married. Q.
Q Who married you? A. Mr Sparks.
Q Is he living? A. Yes sir. I think so.
Q What proof have you of your citizenship—were you ever admitted to citizenship? A. We thought we was.
Q Have you a certificate of admission? A. No sir.
Q Did you apply to the Cherokee Council? A. Yes sir.
Q Did you apply to the Dawes Commission in 1896? A. I dont remember—no we never applied—no we thought we was all right.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 63, #1696, appears the name of Charles Reaves in Canadian district. On page 63, #1697 appears the name of Effie Reaves in Canadian district.

Q Your wife Ella is not living? A. No sir.
Q How long have you lived in the Cherokee Nation? A. Ten years.
Q Where did you live before that? A. In Texas.
Q Born and raised in Texas? A. Yes sir.
Q Where was your child born? A. In the Cherokee Nation.

By Com'r Needles,-

The name of Charles B. Reaves is not found on the roll of 1880, but is found on the census roll of 1896, and the name of his child Effie N. is also found on the census roll of 1896. He avers that he was married to one Ella Whitley a noncitizen, but presents no satisfactory proof of his marriage to her, and no satisfactory proof of his citizenship, consequently final judgment as to his enrollment and of the enrollment of his child, Effie N. will be suspended and their names will be placed on a doubtful card awaiting proof of admission to Cherokee citizenship and proof of marriage to his wife Ella Whitley now deceased.

- - - - - - - - - - - - - - - - - - - -

State of Texas, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 21st day of February 1901.

Commissioner.

A 1117

B

FPA[illegible]

CO [illegible] ES

FILED
FEB 19 1901

[illegible]

Statement of Applicant Taken (under oath). Leod

CHEROKEES BY BLOOD AND ADOPTION.

34

Date FEB 19 1901 19

1 Name Charles B. Reeves Transcribed

District Cow. Year 1896 Page 62 No. 1696

Citizen by blood Yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Effie Reeves Dist. Cow. Year 1896 Page 62 No. 1697 Age 11

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Proof of marriage to be supplied
" 2 and 1896 roll as Effie Reeves
" 1 Proof of admission to citizenship to be supplied
See testimony in case of John Reeves father of applicant

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL In the matter of the enrollment of CHARLES B. WEAVER, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by letter February 22, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he would be given an opportunity to appear before the Commission and offer any additional testimony affecting his application. Proof has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

RECEIVED
MAR 28 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES
INDIAN TERRITORY

F11109

Supl.-C.D.#1117.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.? March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES E. REAVES, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself, et al., as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he would be given an opportunity to appear before the Commission and offer any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant has this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oo0oo---

I, J. G. Nesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J G Nesson

[illegible] testified as follows: [illegible]

Q What is your name ? A C. B. Reeves.
Q What is your full name ? A Charles B.
Q How old are you ? A [illegible].
Q What is your post office address ? A Muskogee.
Q What is the name of your present wife ? A I haven't any.
Q What is the name of your deceased wife ? A Ella Whitley.
Q When were you married to her ? A [illegible], 24th of April.
Q Was she a Cherokee or a white woman ? A A white woman.
Q Did you live together as husband and wife from the time of your marriage up to her death ? A Yes sir.
Q Who married you ? A Mr. Parks.
Q Was he a minister of the gospel ? A Yes sir.
Q Was anybody present when you were married ? A Yes sir, Mr. Kimsey was there.

J. L. KIMSEY, being called for [illegible] and examined by the Commission, as a witness in behalf of applicant, testified as follows:

[illegible]

Q What is your post office address ? A Muskogee.
Q Are you acquainted with Charles B. Reeves ? A Yes sir.
Q How long have you known him ? A For fifteen years.
Q Do you know his wife Ella ? A Yes I did know her.
Q Was she a Cherokee or white woman ? A I don't know.
Q Do you know when they were married ? A Yes sir.
Q When were they married ? A At my house in 1896, I can't tell you the exact date.
Q From the time of their marriage up to the death of applicant's wife, did they live together continuously as man and wife ?
A Yes sir.
Q Were they generally recognized throughout the community as man and wife ? A Yes sir.

R
Cher D 1117

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of Charles B. Reeves, for the enrollment of himself and others as citizens of the Cherokee Nation:

Appearances:
Applicant appears in person;
Cherokee Nation, by W. W. Hastings, Esq;

CHARLES B. REEVES, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A C. B. Reeves.
Q What is your full name ? A Charles B.
Q How old are you ? A Thirty six.
Q What is your post office address ? A Muskogee.
Q What is the name of your present wife ? A I haven't any.
Q What is the name of your deceased wife ? A Nila Whitley.
Q When were you married to her ? A In '88, 24th of April.
Q Was she a Cherokee or a white woman ? A A white woman.
Q Did you and she live together continuously from the time of your marriage up to her death ? A Yes sir.
Q Who married you ? A Mr. Parks.
Q Was he a minister of the gospel ? A Yes sir.
Q Was anybody present when you were married ? A Yes sir, Mr. Knightley here.

J. L. KNIGHLEY, being called and sworn and examined by the Commission, as a witness in behalf of applicant, testified as follows:

Q What is your name ? A J. L. Knigeley.
Q What is your post office address ? A Muskogee.
Q Are you acquainted with Charles B. Reeves ? A Yes sir.
Q How long have you known him ? A For fifteen years.
Q Do you know his wife Nila ? A Yes I did know her.
Q Was she a Cherokee or white woman ? A I don't know.
Q Do you know when they were married ? A Yes sir.
Q When were they married ? A At my house in 1888, I can't tell you the exact date.
Q From the time of their marriage up to the death of applicant's wife, did they live together continuously as man and wife ?
A Yes sir.
Q Were they generally recognized throughout the community as man and wife ? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this July 9, 1902.

Seal

T B Rustin
Notary Public.

To be filed in Cher. D-1117.

(Cherc. D-1074.)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of John A. Reeves et al. for enrollment as Cherokee citizens, D-1074.
In the matter of the application of Charles E. Reeves et al. for enrollment as Cherokee citizens, D-1117.
In the matter of the application of Mollie N. Parrot al. for enrollment as Cherokee citizens, D-1078.

Morrison Walton, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Morrison Walton.
Q What is your postoffice address? A Muskogee.
Q Are you acquainted with the applicant in this case, John A. Reeves and Martha Reeves? A Yes sir.
Q How long have you known them? A I have known Mrs. Reeves since '72 and Mr. Reeves all my life.
Q Do you know when they were married? A Yes sir.
Q When? A They were married a year or two before '72; I dont know how long, may be two or three years.
Q Did you see them married? A No sir.
Q How long after the marriage when you first saw them? A They had one child about eight months old.
Q When you saw them the first time? A When I saw them together; I saw Mr. Reeves and his father-in-law a year before that together.
Q Have they been living together continuously since that time? A Yes sir.
Q Are they living together now? A Yes sir.
Q And they generally recognized throughout the community as man and wife? A Yes sir.
Q Do you know Charles E. Reeves? A Yes sir.
Q Do you know Mollie N. Parr? A Yes sir.
Q Are they the children of John A. Reeves by his wife Martha? A Mollie is.
Q Is Charley by a different wife? A Yes sir, first wife.
Q What was his first wife's name? A Burkes.
Q Was she a white woman? A As near as I know she was.
Q She wasn't of Cherokee blood? A No sir, never claimed to be.
Q Do you know when he was married to his first wife? A No sir, I don't know exactly when. It was in the 60s somewhere I think. It was in the '60s, I don't know what date.
Q Did you know them living together as man and wife, Mr. Reeves and his first wife? A Yes sir.
Q Did you ever visit them while they were living together as man and wife? A No sir.
Q Were they recognized in the community as husband and wife? A Yes sir.

Alex Jordan, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Alex Jordan.
Q How old are you? A I am 65 years old, going on 66.
Q What is your postoffice address? A Muskogee.
Q Do you know John A. Reeves, the applicant in this case? A Yes sir.
Q How long have you known him? A I have known him ever since I knew anybody, he is a neighbor of mine. I am about thing on six [illegible] than in five.
Q How long have you known his wife? A By his present wife I have known her I reckon ever since '66 or '67, I don't remember exactly.
Q You know when they were married? A No sir, I do not; they were married about 20 miles below where I lived and they were married- I [illegible] married about six or seven months when

they came to where I lived; his mother lived close to us; that was the first time I ever saw her, that was his present wife.
Q About how long ago was that? A They must have been married about '96 or '95, about '97 I think.
Q His first wife? A I mean his present wife; his present wife I suppose they were married some time in '96 or '97, I don't remember the date.
Q How long have you known them to live together as man and wife? A You see there was a space of ten or twelve years, a space of about eight or nine years I wasn't close to them; I came to this country and left them in Texas.
Q When you left Texas were they living together as man and wife? A Yes sir.
Q Were they living together as man and wife when you saw them next in the territory the first time? A Yes sir, they had been here fifteen years.
Q And since that time had they always been living together as man and wife? A Yes sir.
Q Did you know Mr. Reeves' first wife? A Yes sir.
Q Do you know whether or not he was married to her? A I didn't see them married but I am satisfied they were married.
Q Did you see them living together as man and wife? A Yes sir, until she died.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. J. Rothenburger

Subscribed and sworn to before me this 28thday of June, 1902.

F. A. Reuter

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Reaves, et al., as citizens of the Cherokee Nation, consolidating the applications of

John A. Reaves et al	Cherokee D-1074
Mollie E. Parr	Cherokee D-1076
Charles B. Reaves et al	Cherokee D-1117

D E C I S I O N.

The record in these several cases shows that the following named applicants appeared before the Commission at the places hereinafter designated and made personal application for the enrollment of the following named persons as Cherokee citizens:

On January 29, 1901, John A. Reaves appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The application also included Martha A. Reaves, for enrollment as a citizen by intermarriage of said Nation, but her status as such has not been passed upon at this time, and she is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 15, June 12, June 23, and October 28, 1902.

Mollie E. Parr, at Muskogee, Indian Territory, on January 29, 1901, made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 12, and June 23, 1902. On June 5, 1902, there was filed with the Commission an affidavit duly executed by Mollie E. Parr on March 16, 1902, from which it appears that John R. Parr was born on March 16, 1902; that he is the child of said Mollie E. Parr and that he was living at the date of the execution of the affidavit.

Charles B. Reaves at Muskogee, Indian Territory, on February 19, 1901, made application for the enrollment of himself and his minor child, Effie M. Reaves, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, June 23, and June 28, 1902.

The evidence shows that John A. Reaves is a Cherokee Indian, and he is identified on the roll of Old Settler Cherokees taken in 1851, and also on the Cherokee pay rolls of 1890 and 1894, and on the Cherokee census roll of 1896.

Mollie E. Parr and Charles B. Reaves are the children of said John A. Reaves, and are identified on the Cherokee pay rolls of 1890 and 1894 and on the Cherokee census roll of 1896.

Effie M. Reaves is the minor child of said Charles B. Reaves, and she is identified on the Cherokee census roll of 1896.

The evidence further shows that John A. Reaves, the applicant in chief, left the Cherokee Nation in 1854, being at that time twelve years old. He returned to said Nation in 1888, and has resided continuously therein since that time. It further appears that the other applicants herein are his descendants, and those returning with him to the Cherokee Nation in 1888 were minors. It is further shown that they have resided continuously in said Nation since that time. Effie M. Reaves and John E. Parr were born subsequent to the return of the other applicants herein, and they have lived continuously in the Cherokee Nation since their birth.

It is the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Thompson, et al., (I.T.D. 2900-1903), John A. Reaves did not forfeit or abandon his Cherokee citizenship during his absence from the Cherokee Nation. Therefore, John A. Reaves, Charles E. Reaves, Effie M. Reaves, Mollie E. Parr and John E. Parr, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,

this SEP 11 1905

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee 2D-1117

Muskogee, Indian Territory, February 28, 1902.

Mr. Charles B. Reaves,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and minor daughter

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission to Cherokee citizenship; also your certificate of marriage to your deceased wife, Ella.

Register.

Yours truly,

Acting Chairman,
Commissioner in Charge.

Cherokee-R-1117

Muskogee, Indian Territory, June 7, 1902.

Mr. Charles B. Reaves,

Muskogee, Indian Territory.

Dear Sir:

On February 28, 1902, you were notified that the matter of your application for the enrollment of yourself and your minor child Effie M. Reaves, would be taken up for final consideration on March 19, 1902, and you were required to supply the Commission with evidence of your admission to Cherokee citizenship, and also evidence of marriage to your deceased wife, Ella. Receipt has been acknowledged of the letter of notification, but no response appears to have been made thereto. In order to a proper determination of said application for enrollment it is necessary that the Commission be supplied with evidence of your admission to citizenship and of your marriage to your deceased wife, Ella.

You will be allowed until June 27, 1902 to comply with the requirements herein stated, and you are advised that it is highly important to you that this information be furnished.

Yours truly,

Acting Chairman.

Registrar.

COPY.

Cherokee D-1217.

Muskogee, Indian Territory, October 7, 1903.

Charles B. Reaves,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Effie M. Reaves, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,
Chairman.

Register.

Enc. D-44.

Cher 10306

John Oskison

Trans. from D1145

Cher 10306

a R 1145

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 18 1901
ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 16, 1901.

In the matter of the application of John Oskison for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Oskison.
Q What is your age, Mr. Oskison? A 26.
Q What is your postoffice address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Blood.
Q Who do you desire to enroll? A Myself.
Q Have you ever made application to be enrolled in any other tribe?
A No sir.
Q What is your father's name? A John Oskison.
Q He living? mA Yes sir.
Q What is your mother's name? A Sarah.
Q She living? A No.

The Cherokee authenticated roll of 1880 examined, and the name of the applicant is found on page 152, No. 2148, as John Oskerson, in Cooweescoowee district.

The Cherokee census roll of 1896 examined, and the name of the applicant is found on page 225, No. 3566, as John Oskeson, in Cooweescoowee district.

Q How long have you lived in the Cherokee Nation, Mr. Oskison?
A Since I was born, with interruptions. I was born in the Cherokee Nation; made it my home, except one - five year intervals.
Q When was that? A I was two years in California and three years in Texas when the family was away.
Q Are you married? A No sir.
Q Your father and mother living in the Cherokee Nation? A My father lives in the Cherokee Nation; my mother is dead.
Q Where have you been living since 1898? A I have been away from 1894 to College; four years at Stanford University in California, one year at Harvard, one year and a little over in New York. I have been at home during vacations in the summers of 1896 and '98.
Q Did you always consider the Cherokee Nation your home? A Yes sir.
Q How long has your father been living in the Cherokee Nation? A He lived in the Cherokee Nation over thirty years.
Q Continuously? A With the exception of those intervals I spoke of in California and Texas.
Q How long since he returned from California and Texas? A From Texas in 1887.
Q Was he been living here continuously since 1887? A Yes sir.
Q How long has your mother been dead? A About 24 years.
Q Did your father ever marry again? A Yes.
Q Has he kept house in the territory since 1887? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-
Q Was he readmitted to citizenship when he returned from Texas?
A He never lost his citizenship as I understand it. On the '86 roll, we were away then, and our names appear on that.
Q You mean the 1880 roll? A We were here then.
Q What time did your father move out? A In '84; no, it was —— We were away five years and came back in '87; we went away in '82.
Q Was away five years and never was readmitted to citizenship?
A (No answer).

Commissioner-
Q Where were you when you arrived at your majority, twenty-one years of age? A I guess I was in California. Yes, in College.
Q How long after you were 21 years of age, which was five years ago; how long after that did you return to the territory? A One year.

Q Was your father living in the territory five years ago? A Yes.
Q He wasn't in California when you were there then? A Yes, he was in California from '92 to '94, and I went to California to College in '94. When I attained my majority, I was in California and my family was here.
Q The point I was trying to get at is how soon did you return to the Cherokee Nation after you attained your majority? A That was the next summer.
Q And have you been a resident of the Cherokee Nation since that time? A Yes sir.
Q You have been away at school? A Yes sir, just at College.

Applicant states: All interests I have are in the Indian Territory, Cherokee Nation, and that I have never regarded any other place as my permanent residence. I have been away for educational purposes and that I have never been away except for educational purposes for a longer time than one year and a half; and that as I understand it that my father being away the five years extending from '92 to '97 did not lose his citizenship; that my father has no citizenship personally; that by his being away that the citizenship of his children has not been impaired.

Commissioner Needles-

The Name of John Oskison is found upon the authenticated roll of 1896 as well as the census roll of 1896; he is duly identified according to page and number of the roll as indicated in the testimony. Now comes the Cherokee Nation by its representatives and protest against the listing for enrollment of the said John Oskison as a Cherokee citizen by blood, because of the fact of non-residence, and the further fact that his father was not readmitted to citizenship after an absence, more fully stated in the testimony. Consequently, final judgment as to the enrollment of said John Oskison will be suspended and his name will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 16th day of March, 1901.

Commissioner.

DEPARTMENT OF THE N
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 18 1901

Transcript of Applicant Taken Under Oath. Ceo.

CHEROKEES BY BLOOD AND ADOPTION.

24

Date Nuckolls Ky 1900.

1 Name John D. Kirson Venita F.

District Ceo. Year 1880 Page 152 No. 2148

Citizen by blood yes Mother's citizenship Parents John Atkinson a

Intermarried citizen yes Sarah d

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

No. 1 on Roll as John Atkinson.
No. 1 on 1896 roll p. 225 No. 3566 Ceo.

D2145

6.

ADMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1904
NOTING CLERK

COMMISSIONERS
MERRY L. DAWES
TAMS BIXBY.
THOMAS B NEEDLES
C R BRECKINRIDGE

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 28, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the testimony in the matter of the application for enrollment as a citizen of the Cherokee Nation of John Oskison.

John Oskison

D - 1145.

SUPPLEMENTAL in the matter of the enrollment of JOHN OSKISON as a citizen of the Cherokee Nation:

The [illegible] 1902, [illegible] the enrollment of himself [illegible] would be taken up for final [illegible] consideration by the [illegible] offices in Muskogee, Indian Territory, on [illegible] Wednesday, [illegible] 1902, and that on [illegible] the Commission either in person or [illegible] would be given him to in [illegible] affect his application. [illegible] the 27th day of March, [illegible] in person or [illegible] and will be reported [illegible] the evidence [illegible]

I, [illegible], do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
FILED
MAR 30 1902

C1119

Supl.-C.D.#1145.

Department of the Interior,
Commssion to the Five Civilized Tribes,
Muskogee, I. T.? March 20, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN OSKISON asa citizen of the Cherokee Nation:

The applicant was notified by re gistered letter March 1, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 20th day of March, 1902, and that on said day he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimo ny affecting his application. The applicant has this day, to-wit the 20th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer tothe Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

No. D. 1145

John M. Oakerson

Brief Duplicate

COMMISSION OF [illegible]
FILED
MAR 28 1904
[illegible] Clerk

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES AT MUSCOGEE, I.T.

In the matter of the Application of John M.Oskison, for enrollment of himself as a Cherokee citizen,

No, D-1146.

Claimant's Brief.

The evidence heretofore submitted in this case is not before us, but we are acquainted with the claimant and have heard what purport to be the facts by reason of which the claimant is listed upon a doubtful card. These facts are that the claimant has resided out of the Cherokee Nation for several years, ost of which time was spent by him in college in California and Massachusetts. However, the testimony shows that claimant's living out of the Cherokee Nation was more in the nature of an absence than a residence. It is claimed by this absence that he has forfeited his right to participate in the allotment of the lands of the Cherokee Nation, and has lost all of his rights as a Cherokee citizen under section two, article One of the Cherokee constitution found in the compiled laws of the Cherokee Nation of 1892, which among other things gives the conditions of forfeitur of citizenship as follows, to wit:-

"And that, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; provided, nevertheless, that the National Council shall have power to re-admit, by law to all the rights of citizenship any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such re-admission."

Under the above section, the conditions on which a citizen may lose or forfeit his rights, privileges and immunities as a Cherokee citizen are: 1st. He must remove from the limits of the Cherokee Nation; 2nd. He must take with him his effects. 3rd. He must become a citizen of some other government. As these are the conditions of forfeiture, all three must be performed before a forfeiture could be declared. Now, the evidence in this case shows conclusively, that the claimant never, at any time, left the Cherokee Nation with the intention of becoming a citizen of some other government. He never took any of his effects, except what was necessary for school purposes. And he never at any time declared by word or act that he was or desired to be a citizen of some other government.

contention
Our ~~claim~~ is that the claimant's removal and absence does not come within the purview of the section of the Cherokee constitution quoted It wouldclearly be against public policy,and against the very spirit of the cherokee constitution andlaws to work a forfeiture of the rights of citizenship for such a residence as this is shown to be,and we believe that the citations given in the case of Joseph B. Laid,No 470 apply with still greater force in this case. As we have not the evidence before us we will be unable to apply the law and quote it to each particular fact in evidence,but shall merely cite the law as we have found it on citizenship,forfeiture and waiver of forfeiture.

Citizenship: The question being whether the plaintiff at a certain time changed his residence from Iowa to Illinois,the jury were correctly told that he did not gain a citizenship in Illinois when he went there unless he in good faith left Iowa and,giving up his residence there,went to Illinois,and actually and in good faith took up his permanent residence in that state at that time, Chicago & Northwestern Ry Co,vs Gus B.Ohle,117 U.S., Book 29-837.

Forfeiture: Forfeitures do not find favor in the law,and courts are reluctant to declare and enforce them if,by reasonable interpretation it can be avoided,34 Am.St R 565. and notes.

Forfeitures are not favored in either law or Equity. Forfeitures are to receive a strict construction,when the intent is doubtful,against those for whose benefit they are intended. Courts are reluctant to enforce forfeitures if by reasonable interpretation it can be avoided,Webster vs Ins,Co 53 Am St R 658. Forfeitures are not favored in law. They are often the means of great oppression and injustice, Ins Co.vs Norton,96 U.S. Book 24,p 689. A condition relied upon to work a forfeiture of title is construed with great strictness,New York Indians,vs U.S. 170 U.S. Book 42 -927, see p 935 & 936.

Waiver of Forfeiture:- A forfeiture will be deemed to be waived by any agrement,declaration,or course of action on the part of him who is to be benefitted by such forfeiture which leads the other party to believe that by conforming thereto the forfeiture will not be incurred,Hudson vs Ry,Co.54 Am St R 550 ; Ins.Co vs Norton Book 24 U.S.689.

Courts are always prompt to seize hold of any circumstance that indicate an election to waive a forfeiture,or an agreement to do so on which the party has relied and acted,Ins.Co vs Eggleston, 96 U.S. 577; Ins.Co vs Doster,106 U.S.Book 27,p65, read p 67.

If an Insurance company,after knowledge of a breach of condition in its policy enters into negotiations or transactions with the insured,which recognize the policy as still in force,and induce the insured to incur trouble ~~and~~ or expense,it waives the right to insist upon a forfeiture,Ins.Co v Potts 39 Am St. R. 637 & notes See notes to Ins Co vs Kennedy 53 Am St R 528.

Respectfully Submitted,

Smith & McCulloch,attys for claimant

By Geo. E. McCulloch

Vinita,I.T.

Cherokee D 1145

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Oskison for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on March 16, 1901, John Oskison appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that John Oskison is a Cherokee Indian and is identified on the authenticated tribal roll of 1880, and also on the Cherokee Census roll of 1896.

The evidence further shows that the said John Oskison has resided in the Cherokee Nation all his life, excepting from 1894 to 1898, during which time he was attending college. He was a resident of the Cherokee Nation at the time of the application herein.

It is, therefore, the opinion of this Commission that John Oskison should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.

this SEP 11 1903

MAR

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1145

ADDRESS ON EVERY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Mr. John Oskison,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 20, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

~~Acting Chairman.~~
Commissioner in Charge.

Cherokee D-1145

COPY.

Muskogee, Indian Territory, September 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting the application for the enrollment of John Oskison as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-87

COPY.

Cherokee D-1145

Muskogee, Indian Territory, October 7, 1903.

Smith & McCulloch,

Attorneys for John Oskison,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting the application of John Oskison for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Register.

Enc. D-37

COPY

Cherokee D-1145.

Muskogee, Indian Territory, October 7, 1903.

John Oskison,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Register

Enc. D-36

Cher 10307

Lula Easky

Trans. from R625

Cher 10307

be listed for enrollment as Cherokee citizens by blood.

Witnesses

Bruce O. James, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 12th of November, 1901.

Commissioner.

RECEIVED
NOV 13 1901
DEPARTMENT OF THE INTERIOR
CENSUS OFFICE

File with Lula Rasky, rejected Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 11, 1901.

In the matter of the application of Caleb Rasky for the enrollment of himself, his wife, and eight children as Cherokees by blood.

Caleb Rasky, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Caleb Rasky.
Q How old are you? A I guess I am 39 years old.
Q What is your postoffice? A Menard is my postoffice.
Q What district do you live in? A I live in Tahlequah.
Q Who do you apply to have enrolled besides yourself? A Me and my wife and family.
Q How many children? A Oh there is about seven I believe, seven or eight.
Q What is your wife's name? A Patsy Rasky.
Q How old is she? A She is 30 I believe.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife also? A Yes, sir.
Q Now give me the names of your children, commencing with the oldest; are they all your present wife's children? A No, sir; the first one is Wanonah.
Q How old is Wanonah? A She is 17 years old.
Q What is the next one? A Lenorah.
Q How old is Lenorah? A She is 16.
Q What is the next one? A Edward.
Q How old is Edward? A He is 14.
Q The next one? A Now that one, I can't tell whether it is mine or not, it is claimed to be mine.
Q Were you married to its mother? A Yes, sir; it is named Lula.
Q How old is Lula? A She is about 12 years old.
Q The next one? A Now she can give the ages of them better than I can.

PATSY RASKY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Patsy Rasky.
Q You are the wife of Caleb Rasky? A Yes, sir.
Q Your oldest child is named Joseph, nine years old? A Yes, sir.
Q What is the next one's name? A Andy.
Q How old is Andy? A 7 years old.
Q What is the next one? A Billie.
Q Billie or William? A It is Billie the way they have got it down now.
Q A boy or a girl? A It is a boy.
Q How old is it? A 2 years old.
Q The next one? A Eliza Jane.
Q How old is Eliza Jane? A She is 8 months old.
Q That all? A Yes, sir.
Q What was your father's name? A Joseph Hendricks.
Q Is he alive? A No, sir.
Q What was your mother's name? A Eliza Jane Hendricks.
Q Is she living? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Were you ever married before you married Mr. Rasky? A No, sir.

CALEB RASKY, recalled, testified:

Q Mr. Rasky, were you ever married before you married your wife Patsy? A Yes, sir.
Q What was your first wife's name? A Her name was Lettie.
Q Is she living? A No, sir, she is dead.

Q Was she living when you married your present wife? A Yes, sir, we and her parted.
Q What was her name before you married her? A She was a Hendricks.
Q Was she a sister to your present wife? A No, no kin.
Q Was she a citizen by blood? A No, sir.
Q Have you any proof of your marriage to her? A Not here I haven't.
Q Is your name on the roll of 1880? A I dont know whether it is or not, I expect I was in jail about that time.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, Caleb Rasky, identified thereon, page 427, No. 585, Caleb Dick, Going Snake District.

Q You went sometimes by the name of Dick? A Yes, sir, that is the name my father went by when he was scouting.
Q Now the Caleb Dick on the roll of 1880 is intended for you, is it, and you are the identical man? A Yes, sir, I guess I am, I am the only one I ever heard of by that name.

The 1896 census roll of Cherokee citizens examined, and the applicant, Caleb Rasky, identified thereon, page 1164, No. 911, Tahlequah District.

Q What degree of blood have you, Mr. Rasky? A I can't hardly tell you, unless I am about a half breed.
Q What district would your wife be in in 1880? A In Tahlequah district, by her Indian name, Nakie, that is her Indian name, I guess it is down that way.

The 1880 authenticated roll of Cherokee citizens examined and the applicant, Patsy Rasky, identified thereon, page 765, No. 397, as Nakey Hendricks, Tahlequah District, native Cherokee, 8 years of age.

Q Now are these children all living at this time? A Yes, sir.
Q Well, as I understand you, Patsy, your present wife, is the mother of the four youngest children? A Yes, sir.
Q And your former wife, Lottie Hendricks, is the mother of your four oldest children? A Yes, sir.
Q She was a white woman? A Yes, sir.
Q Now have you any proof of marriage between yourself and Lottie Hendricks? A None no nearer than Going Snake.
Q You were married in Going Snake? A Yes, sir.
Q Why by? A Parson Kagle.
Q Is he living? A No, sir, he is dead.
Q Did you ever have a certificate of marriage? A Never did get one.
Q Was anybody present when you were married? A Yes, sir.
Q Are they here? A No, sir.

Commissioner: Well, you will have to bring proof of your marriage.

Q Now Lottie Hendricks was the mother of Wanonah? A Yes, sir.
Q Was she the mother of Lenerah? A Yes.
Q Howard? A Yes.
Q Lula? A Yes.
Q What did you say something about Lula being laid to you? A We had done quit.
Q She was born after you and her were divorced; now then what explanation do you want to make of that? A I tell you what I can do; I am going up there and I can get these fellows up there to make an affidavit and send it in.
Q You ought to present your witnesses here.

The 1896 census roll of Cherokee citizens examined and the applicants identified thereon as follows:

Patsy Rasky on page 1164, No. 912, Tahlequah District.

Q Are these children stepchildren of William Miller? A Yes, sir, after we parted she married him.
Q After you and Lottie parted she married one William Miller? A Yes, sir.

Wanonah Baaky on page 744, No. 727, Going Snake District, as Nona Baaky;
Lenorah Baaky on page 744, No. 728, Going Snake District, as Lola Baaky;
Edward Baaky on page 744, No. 729, Going Snake District.

Q There is a Lula Baaky in the family of Andrew Baaky? A She stayed with them, he was said to be her grandfather.

Lula Baaky on page 744, No. 726, Going Snake District.
Joseph Baaky on page 1164, No. 913, Tahlequah District;
Andy Baaky on page 1164, No. 914, Tahlequah District, as Andrew Baaky.

Q Where are these older children, are they living with you? A One of them is hired out here in town, one of them is staying with her aunt now.

Q Where is Edward? A He is working down here to Andy Lowrey's.

Q Where is Lula? A She is in Going Snake.

Q These younger children are living with you I suppose, these four younger children? A Yes, sir.

Q Now then when were you divorced from your wife Lottie? A We were never divorced, I just caught a man in bed with her a time or two.

Q And you just left her? A Yes.

Q Now Lula was born after, as I understand, you quit her? A Yes, sir.

Q You don't know whether Lula is your own child or not? A No, sir, she was born as well as I can count it up, about ten months after I quit her.

Q But Wanonah and Lenorah and Edward, were they born while you were living with her as man and wife? A Yes, sir.

Q I don't see how you are going to enroll Lula as your child?

A I don't either.

Q She was a white woman? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A No, I have lived in the Cherokee Nation about 39 years.

Q Has your wife always lived in the Cherokee Nation? A Yes, sir.

Q Were these children born and raised in the Cherokee Nation, all of them? A All born except one, we were on a visit then.

Q Which one was that? A That was Billie.

Q Youwere on a visit then where? A Over to his uncle's in the Creek Nation.

Q You never lived in the Creek Nation? A No, sir.

Q Have you got improvements in the Cherokee Nation, a farm?

A Yes, sir.

Q You know of any reason why you are not entitled to be enrolled as a Cherokee citizen? A No, no, sir, I don't know any reason why.

Commissioner: Caleb Baaky applies for the enrollment of himself, his wife Patsy, and eight children. He is duly identified upon the authenticated roll of 1880 as Caleb Dick, his father having gone by the name of Dick, and he is enrolled as Dick. He is identified upon the ~~authenticated~~ census roll of 1896 as Caleb Baaky. His wife, Patsy, is identified upon the authenticated roll of 1880 as Nakie Hendricks, Nakie having been her Indian name. She is identified upon the census roll of 1896 as Patsy Baaky. His children, Wanonah, Lenorah, Edward, Lula, Joseph, and Andy, are identified upon the census roll of 1896, and he presents satisfactory proof of birth of two children, Billie and Eliza Jane, who have been born since the rolls were compiled.

He avers in his testimony that he was first married to one Lottie Hendricks, from whom he separated, and that ten months after the separation the child Lula was born. The child Lula he avers was not born in wedlock.

He makes satisfactory proof as to his residence. It will

be necessary for him, in order to complete the enrollment of his three eldest children, to file satisfactory proof of his marriage to his first wife, Lottie Hendricks.

The evidence is conclusive of the fact that the said Lottie was born out of wedlock, and that its mother was a white woman, consequently his application for the enrollment of said Lottie will be refused.

To make satisfactory proof as to residence, enumerate Caleb Rowe, his wife Patsy, and seven children, Hannah, Lenorah, Edward, Joseph, Andy, Willie, and Ellen Jane, will be listed for enrollment as Cherokee citizens by blood.

Witnesses.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of December, 1901.

Commissioner.

D

R625

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 11 1901

ACTING CHAIRMAN

Tahlequah District

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov 11th 1904.

Name Wenard, D. J.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Rejected.

Names of Children:

1. Luka Easley	Dist. G. Suki	Year 1896	Page 744	No. 726	Age 12
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Application by father, Caleb Easley.

Stenographer, B. L. Jones

No 1. on 1896 Roll as Luka Easley.

Cherokee R 625.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula Easky as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 11, 1901, Caleb Easky appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of his minor daughter, Lula Easky, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Caleb Easky, who is a native Cherokee and identified on the 1880 authenticated Cherokee roll, was married to one, Lottie Easky (formerly Hendricks), a white woman; that subsequent to their marriage they separated, but were never legally divorced; and that the applicant is the child of said Lottie Easky, born to her about ten months after said separation and while she was still the lawful wife of said Caleb Easky. The said Lula Easky was born since the making of the said 1880 roll and ~~she is identified on the 1896 Cherokee census roll.~~

It further appears that the residence of the applicant has always been in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Lula Easky should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Haney
Commissioner.

Muskogee, Indian Territory,

this SEP 18 1903

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

Mr. Caleb Easky,

Menard, Indian Territory.

Sir:

Upon examination had in the application of yourself and family to be enrolled as citizens of the Cherokee Nation, it is found that the exact date of your separation from your former wife, Lottie Hendricks, also the exact date of the birth of the girl Lula, have not been conclusively established.

You are requested to forward to the Commission immediately affidavits as to the above mentioned dates.

Please give this matter your prompt attention, as your case cannot be proceeded with until the information requested has been received.

Yours truly,

Acting Chairman.

In answering refer to Cherokee No. R. 625.
Register.

COPY.

Cherokee E-625

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Caleb Easky for the enrollment of his minor child, Lula Easky, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-38

Chairman.

Cherokee R-625.

Muskogee, Indian Territory, October 12, 1903.

Caleb Easky,

Manard, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your minor child, Lula Easky, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-85.

Register.

Question the testimony of the husband nor that of the wife is competent to prove illegitimacy of a child born at any time during their coverture

See Bradner on Evidence 398

The assumption is that a child born at any time during lawful wedlock is legitimate

See Bradner on Ev. p. 621

F. P. A.

See also Cunningham &c 25 and &c 81

R678

Wanted Proof of marriage to first wife Lottie Hendricks mother of Lula.

Judgement recites proof is conclusive that Lula was born out of wedlock and Caleb Easley is not the father.

The only testimony upon which the finding is based is the fathers naked statement "that they split up and as near as I can count up it was about 10 month after that she was born"

The exact date of her leaving together with the exact date of the birth of the child should be produced and upon that proof only should this child be declared an illegitimate offspring

REGISTERED.
FEB 11 1903
MUSKOKA LAND, ONT.

Returned to [illegible]

Department of the Interior.
Commissioner of the Five Civilized Tribes.
MUSKOGEE INDIAN TERR
OFFICIAL BUSINESS
Penalty for private use, $300.

Caleb Barky,
Vennard,
Indian Territor

Cher 10308

Florence S. Lennon

Trans. from D223

Cher 10308

A LIST
OF MISSIONS TO THE
DEPARTMENT OF

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft.Gibson,I.T.,August 29,1900.

In the matter of the application of Florence S. Lennon for the enrollment of herself and two children as Cherokee citizens; being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Florence S. Lennon.
Q What is your age? A Twenty-nine.
Q What is your post-office address? A Wagoner, Indian Terr'y.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A I think I am about one-sixteenth.
Q For whomdo you apply? A Myself and my two children.
Q What is your father's name? A Spencer T. Stephens.
Q Is he living? A Yes sir.
Q What is your mother's name? A Sarah R.
Q Is she living? A Yes sir.
Q Are you married? A I am a widow.
Q What was your husband's name? A John B. Lennon.
Q He was a non-citizen? A Yes sir.
Q What year did you marry? A 1895.
Q Is he living? A No sir.
Q What are the namesof your children? A Florence C. two years old; John E. E., he will be one year old this next month.
Q Have you proof of birth? A No sir.
Q What was your maiden name? A Stephens.
1880 roll page 308 #2221 Florence Stephens, Delaware Dist.
1896 roll page 495 #1834 as Florence I. Lennon Delaware Dist.
Q Are these children alive and living with you? A Yes sir.
Q Where do you reside? A North-east of Wagoner, I think it must be Delaware District.
Q How long have you resided there? A All my life.
Q Continuously? A No , I was out for four years, from 1895 up until a year ago this last July.
Q You lived out of the Territory from the year 1895 until July 1900? A Yes sir.
Q Where were you married? A I was married in Kansas City Missouri and I was married here.
Q You were married twice to the same man? A Yes sir.

Examination by Cherokee Attorney W.T Hutchings:
Q You resided in ~~Kansas~~ Kansas City all of your married life?
A No, I broke up my house-keeping there a year ago last July and went abroad, and as soon as I came home I came down here.
Q Was your husband a citizen of the State of Missouri? A Yes sir, he was a citizen of the State of Missouri.
Q And always resided there? A We had a place here all the time
Q He never resided in the Cherokee Nation himself? A No sir It was his intention.
By Com'r Needles:
Q Where did you actually reside during the year 1898? A In ~~Kansas~~ City, Missouri.
Q With your husband? A Yes sir.
Q Keeping house? A Yessir.

Com'r Needles: The name of Florence S. Lennon appearsupon the authenticated roll of 1880 as Florence Stephens and upon the census roll of 1896 as Florence I. Lennon; she avers that she was married to John B. Lennon, a non-citizen, in the state of Missouri, in the year 1895; as a result of said marriage she has two children, Florence C. and John E. E., who were born after the census roll of 1896 was compiled, consequently their names are not found thereon; she is duly identified according to page and number of the roll as indicated in the testimony, and on account of her residence in the Indian Territory on the 28th day of June 1898, Final [illegible]

as to her application for citizenship will be suspended, and her name, with that of her children, will be placed upon a doubtful card.

M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 6 day of Sept 1900.

Commissioner.

B223

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 29 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date AUG 29 1900 1900.

Name Nancy M.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1 (29) Wife's name Florence S. Lemon nee Stephens

District Delaware Year 1880 Page 208 No. 2221

Citizen by blood yes 1/16 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage parents Nancy & Stephens

License Certificate Sarah R. "

Names of Children:

2 Florence C. Lemon Dist. Year Page No. Age 2

3 John E. " Dist. Year Page No. Age 11 mo

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 on 1880 roll as Florence Stephens

2 and 3 - Affidavits of birth to be supplied

E 2223

SEP 17 19(A)

D Card #223.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES'
FORT [redacted] I. T., AUGUST 29, 1900.

In the matter of the enrollment of Florence S. Lennon-- Supplementary testimony.

Florence S. Lennon, being sworn by Commissioner Breckinridge, testified as follows:
Q Your name is Florence S. Lennon? You are the applicant that applied for citizenship to-day? A yes.
Q What is your age? A 29.
Q Postoffice address? A Wagoner.
By Mr. W. T. Hutchins, Cherokee Attorney:
Q Why didn't you and your husband reside in the Cherokee Nation after you were married here? A My husband was under an agreement with the Armour Packing Company for five years and we meant to come here and were coming here in 1900 if he had lived. We married in here in '97 under Cherokee law and bought a home and meant to live here as soon as his time was up.
Q Did you intend to make a permanent residence in Kansas City when you moved there? A No sir, we intended to live here.

By the Commission:

Q How long did you live in Kansas City? A Nearly four years.
Q You never did return here? A No sir.
Q You lived in Kansas City four years after marriage? A Four years.
Q How long since you returned here? A I have been here several months in the Cherokee nation, I have a home here.
Q Staying with your father? A He is staying with me.
Q He has a home of his own? A He is going to make his home with me.
Q He has a home of his own now? A Yes, but doesn't live at it.
Q Is he married? A Yes.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[redacted] Subscribed and sworn to before me this 14th day of September, 1900.

C H Breckinridge

Commissioner.

1223 D 20 1028

IN RE

Application for Enrollment of

INFANT CHILD

Florence C. Lennon

as a citizen of the

Cherokee Nation.

Approved, JAN 8 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 8 1901

Card #1223.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Florence C. Lennon (Here insert name of child), born on the 31st day of May, 1898.

Name of Father: John B. Lennon, deceased citizen of the Cherokee Nation.

Name of Mother: Florence S. Lennon, a citizen of the Cherokee Nation.

Post-office: Wagoner, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.
INDIAN TERRITORY
District.

I, Florence Lennon, on oath state that I am twenty nine years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of John B Lennon, who is a citizen, by adoption, of the Cherokee Nation; that a female (male or female) child was born to me on the 31st day of May 1898; that said child has been named Florence C. Lennon, and is now living.

Florence Lennon

WITNESSES TO MARK:
(Must be Two Witnesses:) H E Dolan
Lena Stephens

Subscribed and sworn to before me this 17th day of December 1900.

Aaron C Miller
NOTARY PUBLIC

My commission expires June 22nd 1903.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
~~INDIAN TERRITORY~~
State of Arkansas
County of Mississippi ~~District~~.

I, Mrs M Shenkapaul, a Nurse, on oath state that I attended on Mrs Florence Lennon, wife of John B Lennon, on the 31st day of May, 1898; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Florence C. Lennon.

Mrs M Shenkapaul

WITNESSES TO MARK
(Must be Two Witnesses) B E Riney Jr
J. Eubanks

Subscribed and sworn to before me this 19th day of September 1900

My Commission Expires June 2nd 1901

B E Riney Jr
NOTARY PUBLIC

20

IN RE

Application for Enrollment of

INFANT CHILD

John E. E. Lennon

as a citizen of the

Cherokee Nation.

Approved, JAN 8 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1901

Card #D223.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of John F. E. Lennon (Here insert name of child), born on the 21st day of September, 1899.

Name of Father: John B. Lennon, deceased citizen of the Cherokee Nation.

Name of Mother: Florence S. Lennon, a citizen of the Cherokee Nation.

Post-office. Wagoner, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Cooweescoowee District.

I, Florence Lennon, on oath state that I am twenty nine years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of John B. Lennon, who is a citizen, by adoption, of the United State Nation; that a male (male or female) child was born to me on the 21st day of September 1899; that said child has been named John Edward Emanuel, and is now living.

Florence Lennon

WITNESSED TO MARK

(Must be Two Witnesses.) G. E. Dodge
J. H. Harrison

Subscribed and sworn to before me this 2nd day of January 1901.

My Commission expires June 22 1903.

Aaron C. Miller
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

24 Lower Baggot St
Dublin Ireland

I, John H. J. Glenn, a Physician, on oath state that I attended on Mrs. Florence Lennon, wife of John B Lennon, on the 21st day of September, 1899; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named John Edward Emanuel

John H. J. Glenn.

WITNESSED TO MARK

(Must be Two Witnesses) Thomas Bond Potter
W. J. Hamilton
Dublin S B

Subscribed and sworn to before me this 21st day of December 1900.

H. B. Potter
NOTARY PUBLIC.

"R"

Cherokee D 223

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Florence S. Lennon for the enrollment of herself and children as Cherokee citizens by blood.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

FLORENCE S. LENNON, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Florence S. Lennon.
Q Where do you live? A Live in Wagoner, my post-office is Wagoner.
BY MR. HASTINGS:
Q You live in the Cherokee Nation? A Yes sir.
BY COMMISSION:
Q You are an applicant before this Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Is there any other statement you desire to make relative to your application and that of your children? A I think the testimony that I gave is sufficient.
Q You close the case then and submit it to the Commission for final consideration? A Of course I don't want to say that, but it seems to me that all the evidence that's necessary is in; of course there are some other things.
Q Now if there is any further statement that you desire to make relative to it we will have it taken down? A I think my testimony has been sufficient.
Q You close this case and submit it to the Commission for final consideration? A Yes.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 20,1902.

Commissioner.

Cherokee D-223.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 8, 1902.

In the matter of the application of Florence S. Lennon for the enrollment of herself and children, Florence C. and John B. B. Lennon, as citizens by blood of the Cherokee Nation.

Cherokee Nation appears by J. C. Starr; applicant in person.

Florence S. Lennon, being sworn and examined, testified as follows:

By Commissioner C. R. Breckinridge: Give me your full name, please.
A Florence Stephens Lennon.
Q What is your postoffice? A Wagoner.
Q Mrs. Lennon, you have applied heretofore for enrollment as Cherokees for yourself and your daughter, Florence C., and your son, John B. B. Lennon, have you not? A Yes sir.
Q You applied for yourself as a citizen by blood? A Yes sir.
Q You are the widow of John B. Lennon, are you not? A Yes sir.
Q He was a white man? A Yes sir.
Q How long has he been dead? A Nearly three years.
Q When were you and he married? A November 6, 1895.
Q You were married first under United States law and afterwards under Cherokee law were you not? A Yes sir.
Q Where were you married the first time? A In Kansas City, Missouri.
Q How did you happen to be married in Kansas City? A I was at school there.
Q You were born in the Cherokee Nation? A Yes.
Q Did you live in the Cherokee Nation all the time until you went to school? A I did.
Q When were you and your husband married under Cherokee law? A It was April 18, 1896, I think.
Q Where were you married then? A I was married in Saline District at Mr. Ross' house, near the Orphan Asylum.
Q Your husband procured a Cherokee license in the regular form? A Yes sir.
Q What was his object in marrying you a second time in accordance with Cherokee law? A Because he wanted to be a citizen down here.
Q His purpose in remarrying you under Cherokee law was to naturalize himself as a Cherokee citizen? A Yes sir.
Q At the time of your marriage your husband it seems was under a contract for a certain number of years to work for the Armour Company in Kansas City? A Yes.
Q Do you know how long before your marriage he had been engaged under that contract? A I think it must have been about two years.
Q And how much longer did that contract have to run? A Five years in all I think.
Q It had about three years longer to run? A Yes.
Q What steps did your husband ever take to identify himself with the Cherokee Nation other than marrying under a Cherokee license? A He bought a home down here and stocked it with cattle, bought household goods.
Q Did he build a house? A No, he bought a house; the place already had a house on it and we furnished it.

Q How long after your marriage in accordance with Cherokee law was it before your husband bought this farm in the Cherokee Nation? A He had my brother begin to look for a place at once.
Q As soon as he married you under United States law? A Yes sir, but we didn't settle on this place I now have until the fall.
Q Fall of what year? A Of the same year, of 1896 we were married.
Q So your husband bought this farm in the fall of 1896? A Yes sir, the same year.
Q You say there was a residence on that farm? A Yes sir.
Q How many acres in that farm? A There are about three-quarter sections I believe.
Q Did your husband promptly buy furniture for that residence? A Yes sir.
Q Were there general improvements on the farm? A Yes sir.
Q What stock did he put on the farm? A He bought about $2500.00 worth of cattle he put on the farm.
Q You remember that much? A Yes sir.
Q Did you and he look upon that farm as your actual home at the time it was bought and after that time? A We looked upon it as our home as soon as we could get to it; we called it our home; we knew we couldn't live on it until a certain time; we knew we would live on it as soon as we could; he bought it for a home.
Q Was it your purpose and his purpose to live there continuously as soon as his business contract expired? A It was, yes sir.
Q Did he ever spend any time on that farm, did he ever go there? A Yes sir, he came there very often.
Q Did you ever go there with him? A Yes sir.
Q Did you and he consider it and treat it as your actual home place? A Yes sir, and improved it all the time.
~~Q Do you still own that farm? A I do.~~
Q Do you know whether your husband ever voted outside of the Cherokee Nation after he married you in accordance with Cherokee law? A I don't know whether he did or not.
Q You don't know that he did and you don't know that he didn't? A I don't know whether he did or not; I only know what is politics were.
Q Do you know whether he ever sat on a jury after he married you under Cherokee law? A I don't know of it.
Q Do you know whether he always considered himself as being in fact a Cherokee citizen after he married you under Cherokee law? A Yes sir, he supposed he was; that was why he married me.
Q That was his purpose and he so classed himself? A Yes.
Q It appears that your deceased husband is not on the 1896 census roll; do you know why his name is omitted from that roll? A I do not because I came down and suppose he was on that roll; I came down to see about it. I gave in his name.
Q And you supposed he was on it? A Yes sir, I did, until this morning.

The 1896 census roll of the Cherokee Nation examined and the applicant's husband is found on page 580, (has no tribal enrollment) in Delaware District, as an adopted white; also appears there as the husband of Florence I. Lennon.

Q It appears then that your husband is identified on the roll of 1896 and was admitted to enrollment at that time. How often was it your husband's custom to come down and see about this place he bought for him and yourself? A I don't know he had any regular time; every time he could get away.
Q Did he come down frequently? A Yes sir, frequently. He had my brother looking after the cattle and looking after the place too.

Q Did you make many visits to the place with him? A Yes.
Q When you returned to the Cherokee Nation where did you habitually stop? A Went straight to this place.
Q How long had you and your husband been married when he died? A Four years.
Q Had not his contract with the Armours expired when he died? A No.
Q In what year did he die? A He died in '98; he was ill; he went away from Kansas City; we were abroad the last year.
Q You testified a while ago that his contract with the Armous had about three years to run when he married you in April '96, and as I understand you he died in '98, something like a year or such a matter before that three years had expired; that is about right is it not? A Yes.
Q Well, you state that before his contract expired that he went abroad? A Yes sir, for his health.
Q His health became very poor? A It did.
Q That visit was shortly preceding his death? A Yes sir.
Q How long did he stay abroad? A About six months.
Q Did he die abroad or did he die in this country? A He died abroad.
Q How long after your husband's death before you returned to this country, to the United States? A I came back three months afterwards.
Q And how long after your return to the United States was it before you returned to the Cherokee Nation? A It was just a few weeks.
Q So as speedily as possible after your husband's death you came back to the Cherokee Nation? A I did.
Q I understand you then to claim specifically that all the absence that your husband and yourself from the Cherokee Nation after his marriage to you under Cherokee law was purely of a temporary character and that you looked upon the home that had been established in the Cherokee Nation as your actual home and as the place you intended permanently to reside, isthat correct? A Yes, sir, it is.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

F. G. Rothenberger

Subscribed and sworn to before me this 8th day of December, 1908.

B. O. Jones
Notary Public.

(Copy)

MARRIAGE LICENSE.

UNITED STATES OF AMERICA
INDIAN TERRITORY SS. No. 1051.
WESTERN - - - DISTRICT.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Mark P. Evans, of Wagoner, in the Indian Territory, aged 34 years, and Mrs. Florence Lennon, of Wagoner, in the Indian Territory, aged 30 years, according to law, and do you officially sign and return this license to the persons therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 2nd day of September, A. D., 1903.

(Signed) R. P. HARRISON,
~~By A. Z. English, Deputy.~~ Clerk of the U.S.Court.

(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY SS.
WESTERN - - - DISTRICT.

I, J. K. Thompson, a Minister of the Gospel, DO HEREBY CERTIFY, that on the Second day of September, A. D., 1903, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 2nd day of September, A. D., 1903.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District, Book B, Page 215.

Endorsed as follows:

(Signed) J.K.THOMPSON,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY ss.
WESTERN DISTRICT.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of Sept., 1903, at ____M, and duly recorded in Book P. Marriage Record, Page 104.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 5 day of Sept., A. D., 1903.

R. P. HARRISON, Clerk.

By J. A. HARLAN, Deputy.

(SEAL)

Cherokee D 223.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Florence S. Lennon for the enrollment of herself and her two minor children, Florence C. and John E. E. Lennon, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 29, 1900, Florence S. Lennon appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children, Florence C. and John E. E. Lennon, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on February 20 and December 8, 1902.

The evidence shows that the applicant, Florence S.Lennon, is a Cherokee by blood and is identified on the 1880 authenticated Cherokee roll by the name of Florence Stephens. She is also identified on the 1896 Cherokee census roll.

The evidence further shows that the said Florence S. Lennon was born in the Cherokee Nation and resided therein continuously until 1895, at which time she was married to one, John B. Lennon, a white man, and removed to Kansas City, Missouri, where she resided for several years with her husband; that shortly after their marriage they purchased a tract of the National lands in the Cherokee Nation, with the improvements thereon, upon which lands they kept a considerable amount of live stock and other personal property; and that said Florence S. Lennon, at the date of said application still maintained control and possession of said lands and property; that after their said marriage they continued to reside in Kansas City, Missouri, because said John B. Lennon, in 1894, had entered into a five year contract of hire with the Armour Packing Company, and his duties under that engagement made it necessary for him to live in said city, but that it was their intention, upon the termination of said contract, to return to their home in the Cherokee Nation.

It further appears that the said John B. Lennon died in 1898 while he and his wife, Florence S. Lennon, were traveling abroad for the benefit of his health; and that in 1899 she returned to the Cherokee Nation where she has since resided.

The evidence further shows that the minor applicants herein are the children of said Florence S. Lennon, born of said marriage; and that they are identified by birth affidavits made a part of the record herein. Their residence is considered to have been the same as that of their mother.

It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Clement G. Clarke, et al., as citizens of the Cherokee Nation (I.T.D.1370--1903), that Florence S. Lennon and her minor children, Florence C. Lennon and John E. E. Lennon, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 11 1903

RECEIVED
MAR 20 1900
COMMISSION ROADS.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 20, 1905.

In the matter of the allotment of land to Florence S. Evans, formerly Lennon and her minor children, Florence C. and John E. E. Lennon, Cherokee Card No. 10308, Approved Roll Nos. 29522, 29523 and 29524.

Mark P. Evans, non-citizen husband and step-father, being sworn, testified as follows:

Examination by the Commission:
Q What is your name? A Mark P. Evans.
Q How old are you? A 35.
Q What is your post office? A Lometa, Indian Territory.
Q Do you make any claims to Cherokee citizenship? A No sir.
Q What is your object in appearing at the Land Office today?
A To designate lands as allotment for my wife and her two minor children.
Q Was your wife married before she married you? A Yes sir.
Q What was her name before she married you? A Florence S. Lennon.
Q What was the name of her former husband? A John B. Lennon.
Q Is he living? A No sir.
Q What are the names of the two children? A Florence C. and John E.E. Lennon.
Q Was John B. Lennon the father of these two children? A Yes sir.
Q Are your wife and these two children livingat this time? A Yes sir
Q When were you married to Florence S. Lennon? A September 2, 1903.
Q Your marriage license between yourself and wife been filed with the commission to the Five Civilized Tribes? A Yes sir.
Q Have you written authority from your wife to make this designations?
A Yes sir.

Witness offers letter signed by Florence S. Evans, dated Wagoner, Indian Territory, March 20, 1905, wherein she requests the Commission to the Five Civilized Tribes to make, at its discretion, allotments to herself and children, and designate homesteads for herself and her children, Florence C. and John E. E. Lennon, upon the testimony of her husband, Mark P. Evans.

Q Are the lands you desire allotted to your wife and two children improved? A Part of them are.
Q Does your wife reside upon this land? A Yes sir.
Q Has any previous filing been made for your wife and these two children? A No sir.
Q Do the lands you desire allotted them lay west of Grand river?
A Yes sir.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this 20th day of March, 1905.

W. Blackburn

Notary Public.

Blank 731

Cherokee Roll, Indians By Blood.

No.	Name.	Age.	Sex.	Blood.	Card No.
39534	Lennon, John E. E.	3	M	1/32	10308

7. 1223

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. February 4th 1902

Mrs. Florence S. Lemon,

Wagoner, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and two minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 20th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-222,

Registered.

Acting Chairman.

INCL.

BOARD OF

Election Commissioners

CITY HALL.

TELEPHONE
2851

Kansas City, Mo. [illegible] 13th. 1902

[illegible]

[illegible] inst. The records of this [illegible] 10. East 12nd. St. in the [illegible] ticket from the books. [illegible] you will have to [illegible] at address was not included [illegible] office only has control [illegible]

[illegible]

Wm. F. Parten

Secretary

Cherokee D-[illegible]

Muskogee, Indian Territory, December 6, 1902.

Mrs. Florence S. Lennen,

Wagoner, Indian Territory.

Dear Madam:-

In the matter of your application for the enrollment of yourself and two children, Florence C. and John E. Lennen, as citizens by blood of the Cherokee Nation, you are advised that the Commission desires further evidence as to what steps were taken by you and your husband, prior to June 28, 1898, relative to his intention to establish his residence in the Cherokee Nation.

You are further advised that you will be allowed 15 days from date hereof, in which to furnish the Commission with the evidence requested.

Respectfully,

Acting Chairman.

Register.

Cherokee D-223

Muskogee, Indian Territory, December 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that Florence S. Lennon has this day been notified that she will be allowed 15 days from date hereof, in which to furnish the Commission with evidence relative to what steps were taken by herself and her husband, prior to June 28, 1898, as to his intention to establish his residence in the Cherokee Nation.

Respectfully,

Acting Chairman.

Ofer 223.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 5 1903

ACTING CHAIRMAN

Cherokee D-223.

Muskogee, Indian Territory, January 29, 1903.

Armour Packing Company,

Kansas City, Missouri.

Gentlemen:

The Commission respectfully asks to be advised whether or not one John B. Lennon was in the employ of your company, under contract, in the year 1895, and if so, the length of time said contract had to run, and the date on which said contract expired.

Respectfully,

Acting Chairman.

INDEXED.

FEB 3 1903

Armour Packing Co.,
Kansas City, Mo.,
Feb. 2, 1903.

Gives information about John B. Lennon.

ENROLLMENT.

ARMOUR PACKING CO.

THE FINANCIAL DEPARTMENT

KANSAS CITY, U.S.A.

PLEASE ADDRESS ALL LETTERS TO THE COMPANY DIRECT, NOT TO INDIVIDUALS

Feb. 2nd, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

Answering your favor of January 29th beg to advise that Mr. John B. Lennon was in the employ of our Company from September 1"1895 until his death. Previous to that time he was employed by Armour & Company, Chicago, Illinois. He was not under contract with us but was paid by the year. He died while in our service.

Yours truly,

Armour Packing Co.

O. Pillsbury

COPY.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
A 226

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1903.

Mrs. Florence S. Lennon,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation, you are requested to furnish this Commission with the residence address of yourself and your deceased husband, John B. Lennon, in Kansas City during the years 1895, 1896, 1897 and 1898. If you had more than one residence in Kansas City during said years you are requested to state the address for each particular year, giving the street and number in each instance.

Respectfully,

Tams Bixby,

Acting Chairman.

INDEXED.

Lennon, Mrs. Florence S.,
Muskogee, I. T.

Gives street address of John B.
Lennon during certain years.

Thomas H. Owen,
Attorney at Law

OFFICES
ROOMS 3, 4 AND 5, CHURCHILL BUILDING,
OPPOSITE U. S. COURT HOUSE.

Muskogee, Ind. Ter.

T. M. Owen testified

#15 East + 2nd Street was the residence of John B. Leeper from November 29th 1895 — to December 11th 1900

Mrs. Florence S. Leeper

(C O P Y)

Muskogee, Indian Territory, February 12, 1903.

Board of Election Commissioners,
City Hall,
Kansas City, Missouri.

Gentlemen:

The Commission desires to be advised whether or not one John B. Lennon, whose Kansas City address was No.12 East Thirty-second St., voted at any election held in Kansas City during the years 1895, 1896, 1897 and 1898 and if so, that the Secretary of your board, or other proper officer, certify to the facts stating each year and the particular time thereof, that any such vote was cast.

Yours truly,

(Signed) Tams Bixby,

Acting Chairman.

Cherokee D-223.

Muskogee, Indian Territory, February 24, 1903.

County Clerk of Jackson County,

Kansas City, Missouri.

Dear Sir:

The Commission desires to be advised whether or not one John E. Lemmon, whose Kansas City address was 912 East Thirty-second Street, voted at any election held in Kansas City during the years 1895, 1896 and 1897, and, if so, that you certify to the facts, stating each year and the particular time thereof, that any such vote was cast.

Respectfully,

Chairman.

COPY.

Cherokee D-223.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 21, 1903, granting the application of Florence B. Lennon for the enrollment of herself and her two minor children, Florence C. and John R. K. Lennon, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-22

Chairman.

COPY.

Cherokee D-223.

Muskogee, Indian Territory, October 12, 1903.

Florence S. Evans,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, granting your application for the enrollment of yourself and your two minor children, Florence C. and John E. E. Lenzen, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-95

Register.

COPY.

Cherokee Nation,

Muskogee, Indian Territory, March 21, 1906.

Mark P. Evans,

Lomsta, Indian Territory.

Dear Sir:-

There is herewith enclosed Marriage License and Certificate of yourself and your wife, Mrs. Florence Lemon, copy of which has been made and is now on file with the records of the Commission, in the matter of your application for enrollment as citizens of the Cherokee Nation.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Enc. JD 2-21

Done at
1131

These points
agreed to by
all C.J.'s

Seems to me quite
clear that she never went
out with intention to stay,
being on EC 196 rolls &
sign the decision as presented.

C.R.K.

[illegible]

Cher 10309

Charley Ellis

Trans. from D252

Cher 10309

a-

ADMISSION TO THE BAR CIVIL
FILED
SEP 1 1980

Department of the Interior,
Commission to the Five Civilized Tribes,
Pryor Creek, I.T., Sept.10, 1900.

In the matterof the application of Charley Tail for the enrollment of himself, and wife as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, through official interpreter Walkingstick testifiesas follows:

Q What is your full name? A Charley Tail.
Q How old are you? A About twenty-seven.
Q What is your post-office? A Locust Grove.
Q What district do you live in? A Saline District.
Q Who is it you want to have enrolled? A Just myself and wife.
Q Are you a full-blood? A Yessir.
Q What is your wife, is she a full-blood? A Yessir, full-blood
Q How longhave you lived in the Cherokee Nation? A He was born and raised there.
Q How longhave you lived in Saline District? A He was born there, he haslived there all the time.
Q What is the name of your father? A Charley Tail.
Q Is he deador alive? A Dead.
Q How longhas he been dead? A He hasbeen dead about ten years.
Q What is the name of your mother? A Susan Tail. She is dead.
Q How long has she been dead? A She hasbeen dead about five years.
Q What is your wife's name? A Senasta.
Q What was her name when you married her? A He don't know.
Q When were you married? A They were married just this last winter.
Q He doesn't know what her name was when he married her? A No sir.
Q What district did she live in? A She was in Tahlequah District at that time.
Q Doeshe know what her father's name was? A No sir.
Q Doeshe knowher mother's name? A Stacy is all the name he remembers.
1880 roll for applicant, andname not found.
Applicant being questioned by interpreter, states that he thinks they put his name down as Charley Ellis in 1896.
1896 roll examinedfor applicant, andname not found.
1894 roll examined for applicant, and name not found.

Com'r Breckinridge: The applicant applies for the enrollment of himself and his wife; he is evidently a full-blood Cherokee, and he states through the interpreter that his wife is a full blood Cherokee; he is twenty-seven years of age, but no trace of him can be found upon any roll. He does not know what the name ofhis wife was before he married her, nor the name of her father or mother; he married her last winter; so no trace can be found of either the applicant or his wife; the presumptionis that both of them are natives of the Cherokee Nation and have lived here all their lives, and that they have acquired their rights by birth and unbroken residence; acting upon thispresumption the application for the enrollment of the applicant and his wife will know be placed upon a doubtful card, and he is told to try and find some mans by which he and his wife can be identified upon some roll of the Cherokee Nation.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribeshe correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 11 day of Sept 1900.

Commissioner.

B-

D254

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1906

ACTING CHAIRMAN

SALINE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(27) Date SEP 10 1900 1900.

Name Charley Tail, Locust Grove, I.T.

District Year Page No.

Citizen by blood Yes, Full Mother's citizenship Charley Tail - Cher - dead

Intermarried citizen No. Parents, Snoosh " — " — "

Married under what law Date of marriage

License Certificate

2 Wife's name Senata Tail,

District Year Page No.

Citizen by blood Yes, Full Mother's citizenship ~~Dont know~~

Intermarried citizen No. Parents, ~~Dead~~

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age

D252

D 252

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 21, 1902.

In the matter of the application of Charley Tail, for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter on the 4th instant that his case would be taken up for final consideration by the Commission on February 21, 1902, and that he could on said day appear before the Commission and an opportunity would be given him to introduce any further testimony affecting his application.

He has been called three times and fails to respond either in person or by attorney; and the case is closed.

Commissioner.

6254

"I"

D 352

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 21, 1902.

In the matter of the application of Charley Tall, for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter, on the 4th instant that his case would be taken up for final consideration by the Commission on February 21, 1902, and that he could on said day appear before the Commission and an opportunity would be given him to introduce any further testimony affecting his application.

He has been called three times and fails to respond, either in person or by attorney; and the case is closed.

Commissioner.

COMMISSIONER OF INDIAN AFFAIRS
FILED
OCT 30 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Rose, Indian Territory, June 12, 1902.

Supplemental proceedings in the matter of the application for the enrollment of Charlie Tail, et al., as citizens, by blood, of the Cherokee Nation:

Charlie Taylor, appearing before the Commission, and being duly sworn and examined, testified, through Sam Foreman, regularly sworn interpreter, as follows:

Q What is your name? A Charlie Ellis.
Q Is that the name you go by now? is that the way you sign your name? A They called him Charlie Ellis at first, but now I go by the name of Charlie Taylor.
Q Your correct name, then, is Charlie Taylor and not Charlie Tail, is it? A Yes, sir; his correct name is Charlie Taylor.
Q About how old are you? A 28.
Q What is your post office address? A Salina.
Q Have you heretofore made application to this Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q What was your wife's name? A Senesta.
Q Is she alive at this time? A She is not living.
Q What district were you living in in 1896? A I don't know.
Q Did you live in Saline District then? A I suppose so.
Q Did you ever have a child named Lovely? A Yes, sir.
Q Did they sometimes call you Taylor Ellis? A Yes, sir.

The 1896 census roll of citizens of the Cherokee Nation examined and Charlie Taylor identified thereon, page 990, ~~[illegible]~~ #399, Saline District, as Taylor Ellis, native Cherokee, 20 years of age.

Commised on: This testimony will be filed as supplemental to the record heretofore taken in this application, Cherokee D - 252.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the forgoing is a true and complete transcript of my stenographic notes thereof.

A. R. Cheever

Sworn to and subscribed before me this 29th day of July, 1902.

Bruce S. Jones
Notary Public.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 23rd, 1903.

In the matter of the application of Charley Tail for the enrollment of himself and his wife, Senasta Tail, as citizens by blood of the Cherokee Nation. — Cherokee D-252.

Louis Dragger sworn as Cherokee Interpreter.

The applicant, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Charley Taylor.
Q. It isn't Charley Tail, is it? A. Taylor.
Q. Are you sometimes known as Charley Tail? A. His father's name is Charley Ellis. They call him Charley Taylor.
Q. How old are you? A. He is about 28 years old.
Q. What is your post office? A. Salina.
Q. Are you a full blood Cherokee Indian? A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Have you always lived there? A. Yes, sir
Q. In what district? A. Tahlequah.
Q. Have you always lived in Tahlequah district? A. No, he was raised in Saline district. He is living there yet.
Q. Were you living there seven years ago, at the time the '96 roll was made? A. Yes, sir.
Q. What is your father's name? A. Charley Ellis.
Q. Was he ever known as Charley Taylor or Tail? A. That is what they called him, yes. Du-nanhke-ki.
Q. What is your mother's name? A. Susan.
Q. They are both dead, are they? A. Yes, sir.
Q. How long have they been dead? A His father has been dead since he was a little bit of a boy.
Q. When did your mother die? A. His mother has been dead four years next June.
Q. Are you married? A. No, sir.
Q. Have you been married? A. Yes, sir.
Q. What was your wife's name? A. His first wife was Awa.
Q. Did you have a wife named Senasta? A. That is his second wife. She is dead.
Q. Did you have any children by her? A. Just one.
Q. What is its name? A. Lizzie.
Q. Lizzie Taylor? A. Yes, sir.
Q. How old is Lizzie? A. 2 years old, last December.
Q. Is that the child of your wife Senasta? A. Yes, sir.
Q. Is that child living with you? A. No, the child is living with her grand mother.
Q. What is her grand mother's name? A. Stacy.
Q. What is her other name? Is that her full name?
A. That is what they always call her.
Q. Where does she live? A. She lives on Little Saline creek.
Q. Have you ever enrolled your child Lizzie? A. Yes, sir.
Q. You enrolled it yourself, did you? A. He thought she was enrolled.

Q. Who is Chegayu Taylor? A. That is his ch ld.
Q. That isn't the same as Lizzie, is it? A. No.
Q. Who is the mother of Chegayu? A. Awa.
Q. Ava Cochrum? A. Yes, sir.
Q. How old is Chegayu? A. About 6 years old. May be 6 or 7 years old.
Q. Is she the child ~~xxx~~ of your first wife? A. Yes, sir.
Q. Where is Chegayu living? A. She is living with a man by the name of John Beamer.
Q. John Beamer enrolled that child? A. No, he himself enrolled it.
Q. This child is a full blood? A. Yes, sir.
Q. Your wife Senasta was a full blood, wasn't she?
A. Yes, sir.

Louis Dragger, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Louis Dragger.
Q. How old are you? A. 46.
Q. What is your post office? A. Saline.
Q. You know Charley Tail, the applicant here? A. Yes, sir.
Q. How long have you known him? A. About 13 years.
Q. What district was he living in when you first knew him?
A. In Saline.
Q. Has he lived in the Cherokee Nation all that time?
A. Yes, sir.
Q. He is a full blood Cherokee? A. Yes, sir.
Q. You didn't know his parents? A. No, I didn't know his father.
Q. Did you know his wife Senasta? A. Yes, sir.
Q. You know that he has a child by the name of Lizzie?
A. Yes, sir.
Q. Living with its grandmother? A. Yes, sir.
Q. Do you know this other child, Chegayu? A. Yes, sir.
Q. He is the father of that child? A. Yes, sir.

Josiah Young, being duly sworn, testified as follows through Louis Dragger, interpreter.

Examination by the Commission.

Q. What is your name? A. Josiah Young.
Q. How old are you? A. 45.
Q. What is your post office address? A. Saline.
Q. Do you know Charley Taylor? A. Yes, sir.
Q. How long have you known him? A. Ever since he was a child.
Q. Where was ht living when you first knew him? A. He was brought from Tahlequah district to Saline district.
Q. He is a full blood Cherokee is he? A. Yes, sir.
Q. He has lived in the Cherokee Nation all the time?
A. Yes, sir.
Q. You didn't know his father and mother, did you?
A. Yes, sir.
Q. What is his father's name, Charley Tail or Charley Ellis?

A. He said he don't know his English name; his name was Da-nan-see-ki in Cherokee.
Q. Did you know his mother Susan? A. Yes, sir.
Q. Were his father and mother married? A. Yes, sr.
Q. Do you know Charley Tail's two children, Lizzie and Chegayu?
A. Yes, sir.
Q. Lizzie is living with her grandmother? A. Yes, sir.
Q. Is Lizzie the child of Charley Tail's wife Senasta?
A. Yes, sir.
Q. And Chegayu is the child of Ava Cochrum? A. Yes, sir.
Q. Both of these children are living now, are they?
A. Yes, sir.

The applicant, being recalled, testified as follows; through Louis Dragger, interpreter.

Examination by the Commission.

Q. Now, this child Lizzie is living with Stacy Youngduck, isn't it? A. Yes, sir.
Q. Stacy Youngduck is the wife of Joe Youngduck?
A. Yes, sir.
Q. You are sometimes known as Ellis, aren't you?
A. Yes, sir.
Q. Now, who was Mary Lowrey. Was that your wife Senasta?
A. Yes, sir; that is her name in English.
Q. Senasta Lowrey or Mary Lowrey? A. It is Mary Lowrey in English and Senasta in Cherokee.
Q. This child has been enrolled as Lizzie Ellis. It should be Lizzie Taylor, shouldn't it? A. He says it is all right. It is both names.
Q. Do you want the child enrolled as Ellis or Taylor?
A. Enrolled in the name of Ellis.
Q. When did you see this child last? A. He seen it last Saturday a week ago.

The applicant's child Lizzie is found to be listed on card #9121 with the family of Joe Youngducj, with whom the child is living. She is there listed under the name of Lizzie Ellis as the daughter of one Ellis, who is identified as the applicant, Charley Taylor, and Mary Lowrey, who is identified as his deceased wife, Senasta. The applicant desires that the child be enrolled by the name of Lizzie Ellis. There is no birth affidavit for this child, but in view of the fact that the witnesses have all testified that such child is living, and that probably a birth affidavit could not be secured, the child will be placed on the final roll of Cherokee citizens.

A copy of this testimony is ordered filed with Cherokee #9121 and with Cherokee #9132.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 16th day of May, 1903.

Samuel Foreman

Notary Public.

252

COMMISSION

MAY 6 1903

CHAIRMAN

Supl. Chero. D-252.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 27, 1903.

In the matter of the application of Charley Tail for the enrollment of himself, and his wife Senasta Tail, as citizens by blood of the Cherokee Nation.

Charley Ellis, being sworn and examined, testified as follows: Through Interpreter S. R. Walkingstick.

Examination by the Commission.

Q What is your name? A John Ellis.
Q How old are you? A Twenty-eight.
Q What is your postoffice? A Salina.
Q Weren't you the man that was in here a few days ago and gave your name as Charley Tail? A Yes.
Q How does your name come to be John Ellis to-day? A Charley Ellis is what it should be.
Q Your father's name was Ellis? A Yes sir.
Q And you are sometimes called Ellis? A Yes.
Q And you want to be enrolled by this Commission as Charley Ellis? A Yes sir.
Q And now you wont come in next week and give your name as John Smith, will you? A No.
Q And you have a daughter called Lizzie Ellis, have you? A Yes sir.
Q And you also have a daughter called Chi-ga-ya Taylor? A Yes.
Q Do you want this oldest girl of yours, Chi-ga-ya, enrolled as Chi-ga-ya Taylor or Chi-ga-ya Ellis? A Yes sir, I want her enrolled as Chi-ga-ya Ellis.
Q You want yourself and two children enrolled under the same name Ellis? A Yes sir.

A copy of this testimony is ordered filed with Cherokee Straight Case 9132.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. Rothwelsger

Subscribed and sworn to before me this 29th day of April, 1903.

Samuel Foreman
Notary Public.

Cherokee D #252

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charley Ellis, or Tail, for the enrollment of himself and wife, Senasta, as citizens by blood of the Cherokee Nation.

DECISION

The record in this case shows that on September 10, 1900, Charley Ellis, or Tail, appeared before the Commission at Tryon Creek, Indian Territory, and made personal application for the enrollment of himself and wife, Senasta, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tose, Indian Territory, June 12, 1902, and at Vinita, Indian Territory, April 23 and 27, 1903.

The evidence shows that the applicant, Charley Ellis, is a full blood Cherokee and that he is duly identified on the 1896 census roll of the Cherokee Nation as such.

The evidence further shows that said applicant was born and has always resided in the Cherokee Nation. It appears from affidavits made a part of the record herein that the applicant, Senasta Ellis, died in May, 1901.

Section Twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Charley Ellis should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495, and it is so ordered. and it is further ordered that the application for the enrollment of Senasta Ellis, as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4th, 1902

Mr. Charley Tail,

Locust Grove, Indian Territrey,

Sir:-

You are hereby notified that the application of yourself and wife

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 21st day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-288

Register.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEADLES
C. R. BRACKINRIDGE

ALLISON T. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-252.

Muskogee, Indian Territory, May 9, 1902.

M. D. Green,
Clerk in Charge,
Cherokee Enrollment Party #4,
Zena, Indian Territory,

Dear Sir:

It appears from the records of this Commission that Charley Tail aged about 27 years, appeared before the Commission at Pryor Creek, Indian Territory, September 10, 1900, and made application for the enrollment of himself as a citizen of the Cherokee Nation. Applicant averred that he lived in Saline District all his life; that he was a Cherokee full blood; that the name of his father was Charley Tail, deceased; that the name of his mother was Susan Tail, deceased, and that he was the husband of Senasta Tail also a Cherokee full blood. The applicant was unable to furnish the Commission with the names of his wife's father and mother; neither he nor his wife could be identified on any of the tribal rollsof the Cherokee Nation then in the possession of the Commission.

You are directed to ascertain, if possible, more information relative to the enrollment by the tribal authorities of the Cherokee Nation of Charley Tail and his wife and forward the same to the Commission.

M. D. G-2.

Please give this matter your earliest attention.

Yours truly,

Commissioner in Charge

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO THE FOLLOWING

Chouteau, Indian Territory, June 13, 1902.

Mr. B. C. Jones,
Clerk in Charge Party No. 3,
Peggs, Indian Territory.

Dear Sir:

There is enclosed to you herewith a letter received by me during the month of May, 1902, in regard to the identification upon the rolls of the Cherokee Nation of one Charley Tail, and his wife Senasta. I have been able to identify these parties, but have located Charley Tail on Saline Creek, near Spavinaw. I subpoenaed him to appear at Chouteau, but he never obeyed the summons. I am informed that Key Ketcher, who lives near Peggs, and who is a full blood Cherokee, will know something about the parents of Charley Tail, and I would suggest that his testimony be taken.

Yours truly,

W. M. Green
Clrk in Chge, No.4.

(enc)

Cherokee D 262.

Muskogee, Indian Territory, June 20, 1902.

Charley Tail, Esq.,

Locust Grove, Indian Territory.

Sir:-

In the matter of your application for enrollment of yourself and wife as citizens by blood of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony that will lead to the identification of yourself and wife upon some of the rolls of the Cherokee Nation.

Please give this matter your immediate attention, as it is of great importance to you and your wife. This testimony must be furnished on or before July 7, 1902.

Yours truly,

Commissioner in Charge.

Register.

INDEXED.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

No.	Received	Answered	
10417	JUN 27 1902	Book	Page
1902			

Jones, Bruce C.,
Peggs, I. T.,
June 21, 1902.

Charley Tail has been identified upon the 1880 roll as Taylor Ellis.

CHEROKEE.

File with D-757

No answer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902

Acting Chairman

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Vegas, I.T. 6/21/02

Commission to the Civilized Tribes
Muskogee, I.T.

Gentlemen:

Referring to attached correspondence, I have to state that the Charley Dale mentioned appeared before me at this place and gave supplemental testimony from which he was identified on the Native List as Taylor Ellis

Respt

Bruce C. Jones
In charge, Cherokee Party No 2

COPY.

Cherokee D-[illegible]

Muskogee, Indian Territory, September [illegible], 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting the application of Charley Ellis for the enrollment of himself and dismissing his application for the enrollment of his wife, Senasta Ellis, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-12.

Chairman.

Cherokee D-516.

Muskogee, Indian Territory, October 13, 1906.

Charley Ellis,

Locust Grove, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, and dismissing your application for the enrollment of your wife, Semasta Ellis, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-21

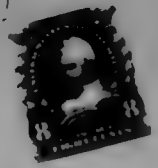
Register.

Department of the Interior.

MUSKOGEE IND. TER

OFFICIAL BUSINESS

Penalty for private use $300



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Department of the Interior.

$300.

Cher 10310

Alcie C. Grace

Trans. from D281

Cher 10310

Da-281

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Pryor Creek, IT. September 13, 1900.

In the matter of the application of Alcie C. Grace for the enrollment of herself as a citizen of the Cherokee Nation.

The said Alcie C. Grace, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Alcie C. Grace.
Q How old are you? A I am thirty eight years old.
Q What is your post office? A Wagoner, Indian Territory.
Q In what district do you live? A (No response)
Q Do you live in the Creek Nation or in the Cherokee Nation? A In the ~~Creek Nation~~ Creek Nation. My husband is pastor of the Cumberland Presbyterian Church there, and we live right near the Church, and I must say I haven't found out on which side of the line it is.
Q You are not sure whether you are in the Cherokee or in the Creek Nation then? A No, sir.
Q I understand you to say your husband is a preacher? A Yes, sir.
Q And that you live where his call requires? A Yes, sir.
Q What district in the Cherokee Nation do youclaim as your home? A We claim here in Pryor Creek. We have a house and a lot there?
Q Then you claim a permanent residence, and your civil residence to be here in Pryor Creek? A Yes, sir.
Q And that is in the Cooweescoowee District, is it? A Yes, sir.
Q That is where you claim your citizenship? A Yes, sir. We made our home here since my husband staid here.
Q Who is it you wish to have put on the roll at this time? A Just myself.
Q Do you apply as a Cherokee by blood? A Yes, sir.
Q How long have you made and claimed your home in the Cherokee Nation? A Since 1889.
Q You were born in the Cherokee Nation? A No, sir; I was born in Texas.
Q But you have claimed your home in the Cherokee Nation since 1889. A Yes, sir. I was married in 1888, and my husband came here as soon as he could after that.
Q Where were you married? A In Texas.
Q Married in Texas in 1888? A Yes, sir.
Q Have you lived in the Indian Territory ever since 1889? A I have not.
Q Where have you lived? A I lived in Texas part of the time. My husband was called there after we were here a little more than two years.
Q Have you ever been admitted to citizenship by the Cherokee Commission? A Yes, sir; I have.
Q What was your name before you were married? A Alcie [illegible] Kern.
Q Was that your maiden name? A Yes, sir.
(The applicant presents a duly attested official copy of an act of the Cherokee Commission on citizenship, dated January 18, 1882,

admitti g certain persons to citizenship, with special limitation declaring that they are entitled to all the rights and privileges of a Cherokee citizen within the Cherokee Nation, and that they should be "and they are hereby admitted to the full and complete enjoyment of the same in all respects as native Cherokees," that being the only language or condition attached or expressed in connection with the admission? And among these names appears the name of Alice C. Horn.)

Q Madam, was this your maiden name? A Yes, sir. It is Alcie, but my name is often misspelled. That is myself.

THE COMMISSIONER: This is recognized as satisfactory proof of the facts stated.

Q Are you on any of the rolls of the Cherokee Nation? A I am

Q On the roll of 1896? A Yes, sir; and I was enrolled when they drew their strip money.

Q Give me now the name of your father please. A William T. Horn.

Q A Cherokee or a white man? A A Cherokee.

Q Is he dead or live? A He is dead.

Q How long has he been dead? A He has been dead about twenty-eight years.

Q Give me the name of your mother. A Margaret Horn.

Q Cherokee or white woman? A Cherokee.

Q Is she dead or live? A She is alive.

Q Now, have you your marriage certificate showing the change of your name from Horn to Grace? A Yes, my uncle is here somewhere.

Q Have you your marriage certificate at home? A I have not; we failed to get a marriage certificate.

Q You were married in Texas? A Yes, sir.

Q Didn't you get a license and certificate at that time down there? A No, sir; we never did get a certificate of our marriage. I have a certificate here from Mr. Whitaker showing that my husband had to leave here.

Q You stated, I believe, that your husband left this locality on account of his health? A Yes, sir.

Q And you present this certificate from the physician. A Yes, sir.

Q And it is for that reason he sought service in a less exposed locality? A Yes, sir. No, that is not from the physician. It is from the elder of the church.

THE COMMISSIONER. Very well, this will be filed with the papers in your application.

(On roll 1894, page 202, No. 1885, Alcie C. Grace, Cooweescoowee District.)

EXAMINATION BY Mr. HASTINGS, REPRESENTATIVE OF THE CHEROKEE NATION:

Q What year did you remove to the Cherokee Nation? A 1889.

Q Was that the first time you lived in the Cherokee Nation? A No, sir; I was here six months with my sister before that time.

Q Up here on a visit? A Yes, sir.

Q Where have you been residing since 1889? A We spent a little more than two years here, and my husband got in poor health, and he was called to Texas and he gave down and he was called to California, and that has been some time ago, and we spent four years there and then we came back to Wagoner in July 1900.

Q Where were you living June 28th, 1898, two years ago?

A In California.

Q You lived here then from 1889 to 1891, and then you have lived here from July 1900 until now in the Cherokee Nation in Wagoner.

Q Yes, sir.

Q You lived from July 20th, in Wagoner? A Yes, sir.

Q Then the only time you lived in the Cherokee Nation was from 1889 to 1891. A It is the only time our home has been here. We have however a house andlot here.

Q You were living in California in June 1898? A Yes, sir.

Examination continued by Commissioner Breckinridge:

Q How long have you owned property here?

A Since 1889.

Q Is this the only place where you have owned property?

A Yes, sir;--well, we owned property, a little property out in the country, but it was in this same district.

Q Have you derived rent from that property from 1889 until this time? A Yes, sir.

Q During the whole time ofyour absence your husband has been prosecuting his calling as a minister? A Yes, sir.

Q And he has had residence in different localities in following the ministry? ~~A Yes, sir; he has.~~

Q Have you looked upon yourself during all that period as a citizen of the Cherokee Nation? A Yes, sir.

Q Has your husband looked upon himself as a citizen of the Cherokee Nation? (No response)

Q Has he ever voted at any of these other localities?

A I couldn't say as to that.

The applicant is identified on the roll of 1894/ ~~which~~ She shows that she was admitted to Cherokee citizenship in 1883/ She has been much absent from the Cherokee Nation owing to the occupation of her husband as a minister of the gospel, and it was some years after her admission before she came to the Cherokee Nation, say from 1883 to 1889, but she states that she has owned property in the Cherokee Nation all the time from which she derived rent, and that she has never owned property outside of the Cherokee Nation. For the further consideration of the questions involved in this ~~xxxx~~ application, it will at present be placed upon a doubtful card, and judgment will be suspended. The decision, when finally reached, will be communicated to the applicant at her post office address.

The undersigned being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony in the foregoing case, and that the foregoing is a correct transcri of his stenographic notes thereof.

Wm. S. Mesker

Subscribed and sworn to before me this 18th day of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 13 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 13 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(38) Wife's name Lucie P. Grace Wagner, D.T.

District COWEESCOOWEE Year 1894 Page 202 No. 1885

Citizen by blood Yes Admitted 1883 Mother's citizenship Mrs. Hom — Cher — dead

Intermarried citizen No. Parents Margaret " — " — living.

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Affidavit as to cause of removal attached.

D781

" I brought in an affidavit, and it is on file with my application as to why we left the Territory after we came, and then they asked me about a marriage certificate and I have it not with me and want to file it. "

BY THE COMMISSION: There is filed herewith a highly illuminated marriage certificate certifying that R. C. Grace and Mrs. Alzie C. Horn were married by B. L. Hunter on the second day of December 1888. The certificate is not in a condition to be filed and being satisfactory is returned to the applicant.

= = = =

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 22, 1901.

In the matter of the application of Alcie C. Grace, Cherokee Doubtful case 281. SUPPLEMENTAL TESTIMONY.

Appearances:
J. L. Baugh for the Cherokee Nation
Applicant present in person.

ALCIE C. GRACE being first duly sworn by the Commissioner testifies in her own behalf as follows:

" I brought in an affidavit, and it is on file with my application as to why we left the Territory after we came, and then they asked me about a marriage certificate and I have it not with me and want ti file it. "

BY THE COMMISSION: There is filed herewith a highly illuminated marriage certificate certifying that R. C. Grace and Mrs. Alcie C. Horn were married by B. L. Hunter on the second day of December 1899. The certificate is not in a condition to be filed and being satisfactory is returned to the applicant.

= = = = = = = = = = = = =

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 30th of October, 1901.

Commissioner

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COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 24 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. 2/24/02

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Celine Lo Grace for enrollment as Cherokee ~~Freedman~~ Citizens

C. E. Cutler

No. S 281

Supl.-C.D.#281.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ALCIE C. GRACE as a citizen of the Cherokee Nation, introduced on part of applicant:

Appearances:
C. E. Castle, Wagoner I.T.,Attorney for Applicants;
W. W. Hastings, Cherokee Representative:

ALCIE C. GRACE, being duly sworn, testified as follows in her own behalf:
MR. CASTLE:

Q What is your full name? A Alcie C. Grace.
Q What is your age? A 40.
Q What is your post office? A Wagoner, Indian Territory.
Q For whom are you an applicant for citizenship in the Cherokee Nation? A For myself.
Q Are you the wife of R. C. Grace, who has testified? A Yes, sir.
Q What is his occupation? A He is a Minister in the Presbyterian church.
Q Where is his charge or work now? A Wagoner.
Q Where was it last, before, prior? A Newman, California.
Q Where were you in 1898? A I was in California, in 1898, Newman.
Q With your husband? A Yes, sir.
Q Have you a home in the Cherokee Nation? A At Pryor Creek, Indian Territory, in the Cherokee Nation.
Q Of what property does it consist? A A town lot and a house.
Q Did you live there before you left the Cherokee Nation with your husband? A We did; we made that our home.
Q Is that your home at this time? A We have always considered that our home; of course, my husband being a Minister we had to go to different places, we could not live on that place.
Q Why were you in California in 1898? A On account of the health.
Q What was your husband engaged in there at that time? A He was a Minister, pastor of the church.
Q Now, Mrs. Grace, when did you leave the Cherokee Nation the last time before returning here? A We left in, let's see, came in 1889 and left in 1891.
Q What was the cause of your leaving in 1891? A It was on account of my husband's health, he broke down of the rheumatism; he had been employed by the Board of Missions and we had to leave on account of his health.
Q Where did you go? A We went to Texas at that time.
Q Where did you go from Texas? A We went from Texas to California
Q And from California? A To Wagoner.
Q Was the minister engaged in his ministerial duties during that time? A Yes, sir.
Q In what church? A The Presbyterian church; the minutes of the church will show where we have been every year; we can produce that evidence if necessary.
Q Did you own your house and home in Pryor Creek continuously during that absence? A Yes, sir.
Q State whether or not your absence was intended by you or your husband to be permanent, or only temporary? A It was temporary;

when the physician advised us to come back and work opened up, we intended to come back.
Q Work opened up after his health permitted? A Yes, sir.

MR. HASTINGS:

Q You expected his health to get better then? A Yes, sir.
Q Took about ten years to recover so he could come back? A We are back now.
Q I say it took about that long? A We were out about that long.
Q What sort of house did you have at Pryor Creek when you left here in 1891? A It was a four room house.
Q And you have owned that house continuously since then?
A Yes, sir.
Q What rent did you get from it? A Sometimes we get from four to seven dollars a month.
Q Have you had it rented all the time, continuously?
A Since we had an agent to look after it.
Q Now, you tell me, I want to know if you have rented that house all the time prior to the time you returned here and if you actually got rent from it? A Yes, sir
Q At the rate of four or five dollars a month? A Yes, sir
Q Who lived in it? A I could not tell the names of the families.
Q Did you erect that in '99? A That was erected, let's see, we came here in '99, October, and the next summer; that house was built in August.
Q You have owned it ever since? A Yes, sir.
Q During the time your husband was in bad health you were in Texas and California? A Yes, sir.
Q And you came back here I believe in 1900? A Yes, sir.

MR. CASTLE:

Q What was the state of your health; was your absence prolonged on account of your health? A I got down on account of Malaria, and they advised my husband and advised me to go to California; I think we could have come back on account of his health before we did but not on account of mine.
Q Did you rent your house in person or did you have an agent?
A We had an agent, Mr. Curtsinger.

Commission of Mr. Castle? A Do you submit this case in behalf of the applicant? A Yes , sir.

Commission: The attorney for applicant and representative of the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now on file.

---oooOOOooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason.

Subscribed and sworn to before me this February 28, 1908.

[illegible]

Commissioner.

Q What was your understanding as to the reason that he returned to Texas? A It was on account of rheumatism; he couldn't hardly get around; we wanted to keep him there in the church but he couldn't do it on that account; he wouldn't [illegible] so set to it and I believe he was [illegible] to go away; he couldn't hardly walk.

Q What did you understand was his intent on to return? A He left his house with the calculation to return.

Q That was in '92? A I think it was if I remember, I think it was the first of '92, it might have been the latter part of [illegible]. [illegible] that time was Pryor Creek in the mission field of the [illegible] A Yes sir, I think so. I think Pryor Creek was in the Muskogee Presbytery, I think, I not sure but Spencer Brace was in the mission work at that time.

Q Anything else you know [illegible] the [illegible]. Whatever? A Nothing only [illegible] correspondence with him. There while he was away.

Q Where was [illegible] A He was in California.

Q Did you have any correspondence with him while he was in Texas? A No sir, I don't [illegible]

It was after he left Texas and went to [illegible] Texas.

Q State whether or not he gave his reasons for having gone to California? A No, the correspondence was in this way: he did some work there at the orphan home and I wrote to him and I wanted him to take charge of the orphan home and his reply, I think I have them at home, was his wife wasn't able to do it.

Q At that time? A Yes sir.

Commission: Did he state why she wasn't able? A No sir, she wasn't well.

Q Did he state she wasn't well? A No, he didn't say she wasn't well; he said she wasn't able.

Q He didn't state any reason? A No sir.

Q When he left here in '92 it was your impression that he expected to return, did he tell you he expected to return? A Yes sir, that [illegible]

Cher. D-281.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 7, 1902.

In the matter of the application of Alcie C. Grace for enrollment of herself as a citizen by blood of the Cherokee Nation.

Applicant appears by C. E. Castle, Wagoner, I. T.

R. C. Grace, being sworn and examined, testified as follows:
By C. E. Castle: State your name. A R. C. Grace.
Q Where do you live? A Wagoner, I. T.
Q What relation do you sustain to the applicant in this case?
A I am her husband.
Q When were you married? A I was married in '88.
Q When did you first come to the Cherokee Nation? A In '89.
Q Where, if at any place, do you claim your residence in the Cherokee Nation? A Pryor Creek.
Q Since when? A We lived in Pryor Creek in '90; that has been our home ever since.
Q What is your business now at Wagoner? A Pastor of the Cumberland Presbyterian Church.
Q How long did you remain in Pryor Creek? A About two years.
Q Where did you go after that time? A I went to Texas on the account of health.
Q On account of whose health? A My own.
Q What was the condition of your health when you left? A I was suffering from rheumatism and advised by physicians to go to Texas.
Q What business did you follow in Texas? A Pastor of the Church.
Q Same Church? A Cumberland Presbyterian Church at Walnut Grove until '96.
Q Where did you go then? A I went on account of my wife's health and my own I went to California in '96 and stayed until 1900; this was on account of my wife's health and under the advice of the physicians as soon as her health would permit, and I received a call that would sustain me I came back to the Cherokee Nation; it was the first call I received after I left. I will state further I have never been installed as pastor from the fact that I had expected to come back to this country.
Q What was your intention in the matter? A To return to the Indian Territory.
Q At what place have you been stationed since you returned? A At Wagoner.
Q Did you ever intend to make any other place your home than the Indian Territory? A I did not.
Q What did you do with your residence at Pryor Creek during your absence? A I kept it rented.
Q During the entire time? A Yes sir; Well, I will say during the entire time; there may have been time my property was vacant, my agent had charge of it.
Q You owned it during your entire absence? A Yes sir.
Q Is there anything else you desire to state? A Not that I know of.
Commission: When did you say you were married to Alcie C. Grace?
A In '88.
Q Were you a minister of the Gospel at that time? A I was.
Q Where were you stationed? A In Texas.
Q Where was she residing at that time? A In Texas.
Q How long after your marriage was it before you came to the Indian Territory? A About ten months.
Q Where did you come to? A First at Choutean, and our home was in Mission school across Grand River for a few months; then we went to Pryor Creek.
Q How long did you continue to reside in the nation? A Something over two years; at the close of '91 or first of '92 I left.
Q Where did you go? A To Texas.

Q How long did you reside there? A Until '96.
Q Then where did you go? A To California.
Q And remained there how long? A Until 1900.
Q From 1892 up to 1900 neither you nor your wife resided in the Cherokee Nation? A No sir.
Q You stated you owned property in the Cherokee Nation during that time? A Yes sir.
Q What did that property consist of? A House and lot in the town of Pryor Creek.
Q Any other property outside of that? A No sir, just town property.
Q During your absence from the nation and your marriage to your wife did you ever exercise the right of suffrage in Texas or California? A Not at all, only in municipal elections I voted a few times in city elections.
Q You never voted in the national or state elections? A No sir.

D. B. Bryant, being sworn and examined, testified as follows:
By C. E. Castle: State your name? A D. B. Bryant.
Q What is your business Mr. Bryant? A Minister of the Gospel.
Q Of what church? A Cumberland Presbyterian Church.
Q What is your age? A 45.
Q And where do you live? A Pryor Creek, Indian Territory.
Q I will ask you if you know anything of the circumstances of Mr. Grace's having come to the territory and removed from Pryor Creek about '92, the latter part of '91 or '92? A Yes sir, I am acquainted with the fact that he came here and was a minister of the Cherokee Presbytery some two or three years perhaps, and he removed from Pryor Creek, Indian Territory, to Texas.
Q For what cause do you know? A He was suffering with rheumatism and advised to seek a milder climate; he went for the purpose of regaining health.
Q Do you know whether or not what were his intentions as to returning to this work, to the Cherokee presbytery? A It was the impression of myself and other brethren that he would return as soon as he regained his health; he was out for that purpose and would be out no longer.
Q You succeeded him at Pryor Creek? A Yes sir.
Q I believe you rented his house? A I occupied his house about twenty months I guess.
Q Do you remember when he returned to the Indian Territory? A Yes sir.
Q When was that? A Why it has been about two years, just about two years now.
Q Do you know where he was while away? A Yes sir.
Q Where was he? A He was in Texas part of the time and removed from there to California.
Q Did you hear at the time why he moved to California? A No, I never learned the particulars about his removal to California.
Q Do you know the rules and regulations of the church policy of your church as to the installment of ministers after they have been in a work for a certain length of time? A Yes sir.
Q What is that policy? A Why the rule is as soon as the charge will admit that degree of development it is the custom to install the pastor.
Q No conditions on that- will they install him, what is the rule? A If it is desirable on the part of the minister and the congregation. They make their contract and they may install thereupon.
Q As I understand by that a man is then to be fixed in that work? A Until that is dissolved. It is supposed to be installed for life time as soon as either one of the parties or both parties seem to have it dissolved by relationship.

3- Alcie C. Grace-

Q Do you know whether or not Mr. Grace was installed in any work during his absence from the territory? A I don't know.
Commission: How long have you know the husband of the applicant?
A Why I have known him about 12 years I guess.
Q You didn't know him at the time of his marriage? A No sir.
Q How long after he came to the territory before you became acquainted with him? A Just a short time I suppose, just a few months I suppose I met him.
Q How long did he continue to reside here? A Why some two or three years, I don't know just how long.
Q Are you sure it was as long as that? A I think so.
Q Do you know where he went then? A He went to Texas.
Q From the time of his departure until the time of his return did you ever see him or his wife? A No sir. I think not.
Q Did you have any communication with them? A Well, when I was occupying his house at Pryor Creek I had communication with him quite often.
Q How long after his departure was it that you occupied his house?
A I entered the house I think in September, '92.
Q Immediately after he went away? A Yes, a short time after he left the country and I was in occupancy about twenty months, as near as I can remember.
Q After you left his house did you ever have any communication with him? A I don't remember about that.
Q Did you ever see him? A No, I think not.
Q Then what you know of his health is merely hearsay on your part during that period of time after he went away from here up until the time he returned? A Yes, of course I didn't have any positive knowledge about that; I knew his condition of health when he left here however, his reason for going.
By Mr. Castle: I desire for you to look at what purports to be the minutes of the General Assembly of the Cumberland Presbyterian Church of 1891 and tell me there where you find brother Grace stationed that year? A Pryor Creek, Indian Territory, 1891.
Q I desire for you to look there at the minutes of '92? A Richardson, Texas.
Q Does it tell how long he was stationed there? A No sir.
Q Examine the minutes for '97? A Newman, California.
Q Examine the minutes for 1901? A Wagoner, Indian Territory.
Q In what Presbytery? A Cherokee.
Q Are these the minutes of your church? A Yes sir.
Q I believe you said you had no other correspondence with Mr. Grace after you left his house? A None that I remember of.
Mr. Castle of Mr. Grace: Are these the minutes of the Cumberland Presbyterian Church? A Yes sir, they are.
Q Your location each year is correctly represented in those minutes as read here by the brother? A Yes sir.
Q Were you installed in any of the works that you had while away from the Indian Territory? A I wasn't, I was considered supply. I stated I believe a few minutes ago the reason I wasn't installed, because I didn't consider myself permanent as I expected to return to the territory as soon as my health and that of my family returned.
Q Have you been installed in the territory? A I have not, but the elders of my church are going to ask for my installation at the coming session of the presbytery.
Q What does that mean Mr. Grace? A It means a permanent pastorate.
Commission: Mr. Grace when you left the territory the first time did you leave any household effects here? A Nothing but my house and lot.
Q You took all your household effects with you? A Yes sir.
Q Did you take them with you to California? A I did.

W. T. Whitaker, being sworn and examined, testified as follows:

By Attorney Castle: State your name. A W. T. Whitaker.
Q Your residence? A Pryor Creek, Indian Territory.
Q Are you acquainted with Alcie C. Grace and Rev. R. C. Grace?
A Yes sir.
Q When did you first become acquainted with them? A In '89.
Q Where? A Pryor Creek.
Q What was his business at Pryor Creek? A He was a preacher.
Q From where did he come? A My understanding he came from Texas.
Q Did you know him when he left? A Yes sir.
Q What was your understanding as to the reason that he returned to Texas? A It was on account of rheumatism; he couldn't hardly get around; we wanted to keep him there in the church but we couldn't do it on that account; he wouldn't consent to it and I believe he was advised to go away; he couldn't hardly walk.
Q What did you understand was his intention to return? A He left his house with the calculations to return.
Q That was in '92? A I think it was if I remember, I think it was the first of '92, it might have been the latter part of '91.
Q At that time was Pryor Creek in the mission field of the church?
A Yes sir, I think so. I think Pryor Creek was in the Cherokee Presbytery, I think, I am not sure but brother Grace was in the mission work at that time.
Q Anything else you know about the matter, Mr. Whitaker? A Nothing only I had considerable correspondence with Mr. Grace while he was away.
Q Where was he when you corresponded with him? A He was in California.
Q Did you have any correspondence with him while he was in Texas?
A No sir, I don't believe I did.
Q It was after he left Texas and went to California? A Yes sir.
Q State whether or not he gave his reasons for having gone to California? A No, the correspondence was in this way; he did some work there at the orphan home and I wrote to him and I wanted him to take charge of the orphan home and his reply, I think I have them at home, was his wife wasn't able to do it.
Q At that time? A Yes sir.
Commission: Did he state why she wasn't able? A No sir, she wasn't well.
Q Did he state she wasn't well? A No, he didn't say she wasn't well; he said she wasn't able.
Q He didn't state any reasons? A No sir.
Q When he left here in '92 it was your impression that he expected to return, did he tell you he expected to return? A Yes sir, that is the reason he didn't want to sell his house.
By Mr. Castle: I will ask you if you didn't get the impression from his letter that his wife was in ill health and couldn't leave the California climate? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. Stumpenhusen

Subscribed and sworn to before me this 8th day of July, 1908.

Seal

Notary Public.

Cherokee D 281.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alcie C. Grace for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 13, 1900, Alcie C. Grace appeared before the Commission at Pryor Creek, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 22, 1901, and at Muskogee, Indian Territory, February 24, and July 7, 1902.

The evidence shows that the applicant is a Cherokee by blood and that her maiden name was Alcie C. Horn. From an examination of the records of the Cherokee Nation, in possession of the Commission, it appears that the applicant, by the name of Alice C. Horne was admitted, among others, to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on January 12, 1883. It further appears that the applicant is identified on the Cherokee strip payment roll of 1894.

The evidence further shows that in 1888 the applicant was married in the State of Texas to one, R. C. Grace; that in 1889 they removed to and settled in the Cherokee Nation, where they resided until the latter part of the year 1891, at which time they left the Cherokee Nation on account of their health and lived in Texas and California from that time until July, 1900, when they returned to the Cherokee Nation, where they have since resided; and that at the time of their removal from the Cherokee Nation in 1891 and during the period of their absence, as above mentioned, the applicant maintained possession and control of a town lot in Pryor Creek, Cherokee Nation, and maintained ownership and control of the dwelling house thereon.

It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Clement G. Clarke, et al. as citizens of the Cherokee Nation (I.T.D.1370--1903), that Alcie C. Grace should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

C. E. Mauney
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1903

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 13 1900

TILLY & WHITAKER,
PHYSICIANS AND SURGEONS.

W. THOMAS TILLY, M. D.
W. J. WHITAKER, M. D.

PRYOR CREEK, I. T., Sep. 12. 1900.

To whom it may
In or about this 1891.
Rev. R. C. Grace left husband
J. Alice Grace left Pryor Creek
under advice of his attending
Physicians, on account of Rheumatism
to a warmer climate. I know
he was very badly afflicted with
Rheumatism

W. J. Whitaker

Subscribed and sworn to
before me this 12th day of September. A.D. 1900

J. J. Hayden
Notary Public

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th, 1902

Mrs. Alcie C. Grace,

Wagon er, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission.

Yours truly,

Cherokee D-281

Register.

Acting Chairman.

Cherokee 2-[illegible]

Muskogee, Indian Territory, June 24, 1902.

E. M. Gorton,

Wagoner, Indian Territory.

Dear

In the matter of the application of Alois G. Brown, who was represented before this Commission, for enrollment as a citizen of the Cherokee Nation, you are advised that the Commission requires additional personal testimony, other than that of the applicant, as to whether he absented from the Cherokee Nation on June 28, 1898, and for some time prior thereto, was of a temporary, or of a permanent character, coupled with an intention to acquire a home elsewhere.

The applicant has been directed to furnish the testimony herein required to the Commission at Muskogee, Indian Territory, on or before July 11, 1902.

Yours truly,

Commissioner to the Cherokees.

Enclosure

Cherokee Roll.

Muskogee, Indian Territory, June 24, 1908.

Alice C. Green,

Wagoner, Indian Territory.

Madam:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to furnish additional personal testimony, other than your own, as to whether your absence from the Cherokee Nation on June 28, 1898, and for some time prior thereto, was of a temporary, or of a permanent character, coupled with an intention to acquire a home elsewhere.

The evidence herein required must be furnished to the Commission at Muskogee, Indian Territory, on or before July 11, 1908.

Yours truly,

Registrar. Commissioner in Charge.

COPY.

Cherokee D-281

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alcie C. Grace for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-23

COPY.

Cherokee D-281.

Muskogee, Indian Territory, October 12, 1903.

C. E. Castle,

Attorney for Alcie C. Grace,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alcie C. Grace for enrollment as a citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-93

Register.

COPY.

Cherokee D-281.

Muskogee, Indian Territory, October 12, 1903.

Alcie C. Grace,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-94

Register.

Cher 10311

Bennett F. Green

Trans. from D430

Cher 10311

DOUBTFUL AS TO SON, BENNETTE F. GREEN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 28,1900.

In the matter of the application of Wiley L. Green for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your full name? A Wiley L. Green.
Q How old are you? A 61.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and four children, under age, and one boy of age in the Phillipines.
Q Do you apply for yourself as a Cherokee by blood? A I am a white man, adopted Shawnee.
Q What is your wife, Shawnee? A Yes sir.
Q Have you your marriage license and certificate? A No sir. I was married in 1864.
Q You are on the roll of 1880? A Yes sir.; my first wife is dead, and this is another wife; I have two sets of children here.
Q Your first marriage was when? A 1869
Q To whom were you married then? A Sarah E. Bailey.
Q What was she? A Shawnee.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She died about 12 years ago.
Q She is on the roll of 1880? A Yes sir, I guess so.
Q When did you marry the second time? A I married in the year 1892 or 3.
Q Who was it you mar ried then? A I married Emma Tiger.
Q Her name when you mar ried her was Tiger? A Yes sir.
Q Was Tiger her maiden name? A No, her maiden name was Emma Francis.
Q Is she living now? A Yessir, she is at home.
Q What is she a white woman or a Shawnee? A She is a Shawnee.
Q How old is she now? A She was born in 1872.
Q She is on the roll of 1880 as a Francis? A I think she is there as Emma Tiger.
Her step-father is named Tiger, and that's where she gets that name.
Q She never was married to a man named Tiger? A No, no.
Q In what district were you enrolled in 1880? A Delaware.
Q In what district in 1896? A Delaware.
Q In what district was your present wife enrolled in 1880?
A I don't know.
Q Give me her father's name? A John Francis, a Shawnee.
Q Dead or alive? A He is dead.
Q How long has he been dead? A I don't know.
Q Her mother's name? A Becky.
Q Is she dead or alive? A She is dead.
Q Is she a white woman? A Yes sir.
Q How long has she been dead? A Died about 1892 or 3.
Q How did it happen that your wife was sometimes in her girl-hood called Francis and sometimes called Tiger? A Tiger was her step-father.
Q Give me the names of these children? A Belle Connell.
Q How old is that child? A Born 22 of October 1890.
Q Next child? A Jimmie Connell, a girl.
Q How old is that child? A 7 years old.
Q Next child? A Hooley Green.
Q How old is that child? A Born April 1st, 1894.
McKinley Green,
Q How old is that child? A Born in March 1897.
Bennett F. Green,
Q How old is he? A [illegible]
Q These Connell children, [illegible] the mother of these [illegible]

Q These Connell children, who is the mother of these children, your first or second wife? A My present wife.
Q She was married to a man named Connell? A Yes sir.
Q When was she married to Connell? A It has been 11 years ago
Q What was his full name? A James Connell.
Q White man or a Cherokee? A White man.
Q He is dead? A No sir, she was divorced from him.
Q How long did she live with him? A I don't know; three or four years I think.
Q Did she get a decree of divorce? A Yes sir.
Q Have you a copy of the decree? A No sir.
Q What was her name, Connell, when you married her? A Yessir
Q Have you a certificate of your marriage. A No sir.
Q She is on the roll of 1880 as a Tiger, or a Francis? A Yes sir.
Q Have you got somebody here who knew her in her childhood?
A Mr. Bluejacket.
1880 roll page 262 #1142 W. L. Green, Delaware District
1880 roll for first wife page 262 #1143 Sarah Green Delaware Dist; adopted Shawnee.
1880 roll for present wife, page 330 #2744 Emma Tiger, Delaware, Native Cherokee;
1880 roll page 260 #1103 Bennette Green, Delaware District;
1896 roll page 573 #218 William or Wiley L. Green, Delaware Dist;
1896 roll page 603 #167 Emma Green, Delaware Dist;
1896 roll page 600 #116 Belle Connell Delaware Dist;
1896 roll page 600 #117 Jim Connell Delaware Dist;
1896 roll page 603 #168 Hoohay Green "
1896 roll page 603 #173 Bennette Green, "

THOMAS BLUEJACKET, being sworn and examined by Commissioner Breckinridge testified as follows:

Q What is your name? A ThomasBluejacket.
Q What is your age? A 59
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Since 71 I guess.
Q Do you know the applicant here Mr. Wiley L. Green? A Yessir
Q Do you know his wife? A Yes sir.
Q Her name is Emma? A Yes sir.
Q Whatwas her maiden name? A Francis.
Q Whatwas the name of her step-father who brought her up?
A Looney Tiger.
Q She lived in his family when she was a child? A Yes sir.
Q She may be on the roll of 1880 as either a Francisor a Tiger?
A Yessir
Q Was she married before she married Mr. Green? A Yes, married to a man named Conley.
Q Has she got any Conley children? A 2 children.
Q You knew her as Conley's wife? A Yessir.
Q And they are two of the Conley children? A Yes sir, Bell and Jim.
Q Jim, that's a boy's name, but it's a girl? A It's a girl.

Applicant recalled: Questioned by Com'r Breckinridge:

Q In what command is your son engaged? A Company E 32nd United States Volunteer Infantry.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children; two of them are his children of his, and one is a child by his first wife, who is

age and in the Phillipines Islands in the service of the Government. The applicant is identified on the rolls of 1880 and 1896 as an adopted white; both his former and his present wife are identified on the rolls of 1880 and1896; he has lived in the Cherokee Nation ever since 1880; he has not by his second marriage impaired his rights as an adopted citizen, and he will be listed now for enrollment as a Cherokee by adoption.

His wife is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life and she will be listed now for enrollment as a Cherokee by blood.

Her two children by a former marriage, Bell and Jimmie Connell, are identified on the roll of1896 with them; they are living at this time and her marriage is established by satisfactory personal testimony, and these children will be listed now for enrollment as Cherokees by blood.

The child, Hooley Green, a child of the present marriage, is identified on the roll of 1896; he is living at this time, and will be listed for enrollment as a Cherokee by blood.

When the Commission is supplied with proper certificates of the birth of the youngest child, McKinley Green, this child will also be listed for enrollment as a Cherokee by blood.

In regard to the application for the enrollment of said child, Bennett F. Green, a child of the applicant's first marriage; he is identified on the rolls of 1880 and 1896; he is now 22 years of age he is unable to apply for himself by reason of being in the Government service in the Phillipine Islands. In order to communicate with the proper authorities, and consult the official records the application for the enrollment of this son will for the present be placed upon a white card; and the final decision of the Commission will be communicated to the applicant at his post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 26 day of September 1900.

C W Raven

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

ACTING CHAIRMAN

COPY FOR COURTESY
Statement of Applicant for Enr. Cert.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 8 - 1900 1900.

22 Name Bennett F. Green, Vinita I.T.

District DELAWARE Year 1880 Page 260 No. 1103

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1880 Roll as Bennett Green

NH30

James O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes [illegible] the above entitled case and that [illegible] for [illegible] the [illegible] transcript of his stenographic [illegible].

Subscribed and sworn to before me [illegible] 1903.

MAY 8 1903

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 3rd, 1903.

In the matter of the application of Bennett F. Green for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.) Cherokee D-430.

Bennett F. Green, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Bennett F. Green.
Q. How old are you? A. I was born in '76, March 29th.
Q. What is your post office address? A. Vinita, Indian Territory.
Q. Are you a Shawnee Indian? A. Yes, sir.
Q. Your father is a white man? A. Yes, sir.
Q. Your mother is a Shawnee? A. Yes, sir.
Q. Where were you born? A. I was born about 18 miles east of Vinita on Grand River.
Q. In the Cherokee Nation? A. Yes, sir.
Q. Are your parents living? A. No, sir; my father and mother is both dead.
Q. When did they die? A. Why, my mother died in '89, my father died in 1900.
Q. Two years ago? A. Yes, sir. He was the one that had me enrolled.
Q. Was your father residing in the Cherokee Nation at the time of his death? A. Yes, sir; living right here in Vinita.
Q. He lived in the Cherokee Nation ever since he was married to your mother? A. Yes, sir.
Q. Have you lived in the Cherokee Nation all your life?
A. Yes, sir.
Q. Living here now? A. Yes, sir.
Q. Are you married? A. No, sir.
Q. You were in the United States army? A. Yes, sir.
Q. When did you join the army? A. I joined July 31st, 1899.
Q. Were you living in the Cherokee Nation then?
A. Yes, sir.
Q. Had lived there always up to that time? A. Well, I went to school in Pennsylvania before that about three years.
Q. Your father was living here? A. Yes, sir.
Q. This was your home? A. Yes, sir; this was my home.
Q. You joined the army in 1899? A. Yes, sir.
Q. Where did you go after joining the army? A. I went to the Philippine Islands.
Q. How long did you stay there. A. We got to the United States April 19th, landed April 20th, 1901.
Q. Then your time was up, was it? A. Yes, sir; I was mustered out May 6th, 1902 and reached Vinita May 12th.
Q. You have been living here ever since? A. Yes, sir; been living here ever since.

James O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

James O. Carr

Subscribed and sworn to before me this 8th day of May, 1908.

Samuel Foreman

Notary Public.

Cherokee 430

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bennett F. Green as a citizen of the Cherokee Nation of Shawnee blood.

The record in this case shows that on September 25, 1900, Wiley F. Green appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of his son, Bennett F. Green, as a citizen of the Cherokee Nation of Shawnee blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on January 3, 1903.

The evidence shows that the applicant, Bennett F. Green, is of Shawnee blood and duly identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as an adopted Shawnee.

The evidence further shows that the applicant was born and has always lived in the Cherokee Nation excepting a period of about two years, from 18[illegible] to 190[illegible], during which time he was in the army of the United States.

It is, therefore, the opinion of this Commission that Bennett F. Green should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

[illegible] Chairman.

[signature] Commissioner.

C. R. Breckinridge Commissioner.

[signature] Commissioner.

Muskogee, Indian Territory,
this SEP 18 [illegible]

Cherokee-D-438

Muskogee, Indian Territory, June 20, 1902.

Mr. Wiley L. Green,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of ~~yourself, your wife, Emma, your stepchildren, Belle and Jimmie Connell,~~ your children Hooley and Bennet, F. Green, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and give further testimony in regard to the residence of all those above mentioned.

You will be allowed until July 10, 1902, within which to comply with this requirement.

Yours truly,

Commissioner in charge.

Register.

Cherokee D 430

Vinita, Indian Territory, January 30, 1903.

Bennett F. Green,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January [illegible] asking how you should proceed to have your name changed from the doubtful roll of citizens of the Cherokee Nation to a regular card.

In reply you are advised that before your application for enrollment will be complete, further evidence is required in your case as to your place of birth and residence in the Cherokee Nation.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on any day prior to February 20, 1903.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

CRS

COPY.

Cherokee D-430

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Bennett F. Green for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-11

Chairman.

mo4

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREEDLOVE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-430.

Muskogee, Indian Territory, October 12, 1903.

Wiley L. Green,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your son, Bennett F. Green, as a citizen of the Cherokee Nation of Shawnee blood.

Respectfully,

Chairman.

Enc. D-104

Register.

Department of the Interior.

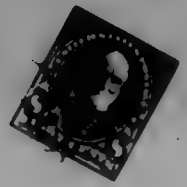
[illegible]

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300

REGISTERED.
GEE, ING. TER.



Department of the Interior.

Cen[illegible] [illegible] the F[illegible] C[illegible] [illegible] Tribes,

MUSKOGEE, IND TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

[illegible]

Cher 10312

Charles A. Brackett

Trans. from D743

Cher 10312

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 29th 1900.

In the matter of the application of Francis J. Kelly for the enrollment of Charles A. Brackett as a Cherokee citizen. She being sworn testified before the Commission as follows-

Q What is your name ? A. Francis J. Kelly.
Q How old are you? A. 57.
Q What is your post office? A. Chelsea.
Q What district do you live in? A. Cooweescoowee.
Q Who do you want to enroll now? A. Charles A. Brackett.
Q How old is that child? A. 17 years old last August.
Q Give me the name of the father of this child? A. Bayless Brackett
Q Is he dead? A. Yes sir.
Q Is he a white man? A. Cherokee.
Q When did he die? A. In 1888.
Q Give me the name of the mother of this child? A. Nancy
Q Is she dead? A. Yes sir.
Q Is she a Cherokee ? A. No sir a white woman.
Q When did she die? A. In 1887.
Q Are either the father or mother of this child on the roll of 1880? A. No sir.
Q Were they admitted to Citizenship by the Cherokee Nation? A. No sir
Q How does this child acquire its right? A. By its father.
Q Was he admitted to citizenship by the Cherokee Nation? A. Always called a Cherokee. He was my brother.
Q This ~~[illegible]~~ childs father was admitted to citizenship by the Cherokee Commission in 1889 wasn't he? A. I belive so.
Q Have you a certificate of the admission of this childs father? A. No sir I have not,

The printed copy ,unofficial, of ~~[illegible]~~ admitted and re-admitted citizens in possession of the Cherokee Representative present, shows that Baylis Bracket , 50 years of age was admitted by the Cherokee Commission on Citizenship on August 16th 1889, and is marked deceased.

Q When did this child come to the Cherokee Nation? A. I ~~think~~ brought him here in 1890
Q In April when you came? A. Yes sir.
Q Has he lived here ever since? A. Yes sir.
1896 roll, page 1041, No 11, Charles Brackett,Orphan roll, Saline.

The applicant applies for the enrollment of an orphan child named Charles A. Brackett, a nephew of hers, and in her charge. He is a minor and is identified on the roll of 1896. She states that this child came with her to the Cherokee Nation in 1890 and has lived in the Cherokee Nation ever since. She also claims that this child was admitted through its father Bayless Brackett, whose admission she cannot establish by an official copy of the records at this time, but whose name appears,among others, on an unofficial copy in the possession of the Cherokee representative as having been admitted to citizenship in August, 1889. The applicant is desired to present to the Commission an official copy of the admission of this childs fater as stated. For the present application for this childs enrollment will be placed on a doubtful card , ~~[illegible]~~ being classed as a Cherokee by blood. It is also noted that the Cherokee Representative present protests against the enrollment of this and other members of this family on the ground of irregularity in the certificate of admission.

Chas von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above cause, and that the foregoing is a correct and full transcript of his stenographic notes therein.

Subscribed and sworn to this the
29th of October, 1900.

Notary Public

D743

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 29 1900
Acting Chairman

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 29 1900 1900.

Name Chelsea G.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Charles A. Brackett Dist. Sahne OR Year. Page 14 No. 11 Age 7

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Certificate of admission of father [illegible] applicant [illegible] Cherokee [illegible]

Supl.-C. ~~[illegible]~~ 7/2 3

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES A. BRACKETT as a citizen of the Cherokee Nation:

Frances J. Kelley, Guardian for the applicant, was notified by registered letter February 18, 1902, that the application of her ward, Charles A. Brackett, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices a Muskogee, Indian Territory, on the 8th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant's guardian this day appears by her Agent Joe R. Sequichie.

Mr. J. C. Starr, Cherokee Representative, present.

Commission of Mr. Sequichie: Is there any statement you desire to make relative to this application?

Mr. Sequichie: The only requirement in this notice that she is to furnish a certificate of readmission of the child's father, Bailis Brackett; when the application of the guardian of this child to the Department at Tahlequah, she has been notified that the records of the admission in this case is on file with the Dawes Commission.

The following entry appears upon the Cherokee Citizenship Record B. page 448:

"Bailis Bracket.
Office Commission on Citizenship,
Tahlequah, C. N., Oct. 5, 1887.

732.

		age.	Sex.	Post office.
1	Bailis Bracket,	50	male	Carlile.
2	Midge Bracket,	16	male	
3	William Bracket,	14	male	Applicant for Cherokee citizen-
4	Ada Bracket,	11	female	ship. Readmitted Aug.16th,1889.
5	Augustus Bracket,	9	male	vs.
4	Frances Bracket,	7	female	Cherokee Nation.
5	Charles A.Bracket,	4	male	

Ancestor
Bracket.

Office Commission on Citizenship.
Cherokee Nation, Ind. Ter.
Tahlequah, Aug. 16th, 1889.

The evidence shows that Bailis Brackett, the applicant named, is now deceased but that he was a son of Nige Brackett and Cynthe Brackett, nee Cynthe Hubbard and grandson of Nellie Wilkerson from whom he derived his Cherokee blood and whose name is found on the Siler roll of Cherokees taken in 1868. The child of Bailis Brackett identified are Nige Brackett, age 16 yrs., William Brackett 14 years, Agustus Brackett, 11 years, and Ada Brackett (daughter) 11 years, and they are therefore adjudged by the Commission to be of Cherokee blood and entitled to Readmission to Citizenship in the Cherokee Nation. See evidence in case of Benj J. Brackett, Docket 606 book 2 page 341.

Will F. Rees, Chairman.
E. Dunsh, Com.
John R. Hunter, Com.

Attest:
D. S. Williams,
Asst. Cir. Com.

Commission: Do you submit the case?
Mr. Sequichie: Yes, sir.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on above date and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson
Stenographer.

Cherokee D 743.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles A. Brackett as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 29, 1900, Frances J. Kelley appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of her nephew, Charles A. Brackett, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that the applicant, Charles A. Brackett, is a son of Bailis Brackett, a Cherokee by blood; that on October 5, 1887, the said Bailis Brackett made application to the Cherokee Commission on Citizenship for the admission of himself and children to citizenship in the Cherokee Nation; that the applicant Charles A. Brackett was at that time about four years old and was included in said application. It further appears that the said Bailis Brackett died prior to August 16, 1889, the date of the judgment rendered by the Cherokee Commission on Citizenship in said case. The said judgment admits several of said children of Bailis Brackett as citizens by blood of the Cherokee Nation but does not embrace the name of the applicant Charles A. Brackett.

The evidence further shows that the applicant is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896; and that he has resided in the Cherokee Nation continuously from April, 1890, up to and including the date of this application.

It is, therefore, the opinion of this Commission that Charles A. Brackett should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1902

Commissioner.

FILED
1902

COMMISSIONERS.
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mrs. Francis J. Kelley,

Chelsea, Indian Territory,

Madam:-

You are hereby notified that the application of

Charles A. Brackett

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of readmission of Bayless Brackett, father of Charles A. Brackett.

Yours truly,

Cherokee D-743
Register.

Acting Chairman.

Commissioner in Charge.

COPY.

Cherokee D-743.

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Frances J. Kelley for the enrollment of her nephew, Charles A. Brackett, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-18

COPY.

Cherokee D-743.

Muskogee, Indian Territory, October 12, 1903.

Frances J. Kelley,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your nephew, Charles A. Brackett, as a citizen by blood of the Cherokee Nation.

Respectfully,

Chairman.

Enc. D-99

Register.

Cherokee D-743.

Muskogee, Indian Territory, October 12, 1903.

J. R. Sequichie,

Agent for Charles A. Brackett,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Charles A. Brackett as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-100

Register.

Cher 10313

James A. T. Parks

Trans. from D753

Cher 10313

2- J.A.T.P.

for enrollment by this Commission as a citizen by blood of the Cherokee Nation upon a doubtful case. The final judgment when rendered in the case will be mailed him at his present post-office address at the desk inn of the Commission.

E. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 31st day of October, 1900.

Notary Public.

UCL
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 30, 1900.

In the matter of the application of James A.T. Parks for enrollment as a Cherokee citizen; he being sworn by Commissioner G. R. Breckinridge, and examined by the Commission, testified as follows:

Q What is your name? A James A. T. Parks.
Q How old are you? A 33 years old.
Q What is your postoffice address? A Woodward, Okla.
Q You make application for enrollment as a Cherokee citizen by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A I think 3/32 or 3/16; I think 3/32.
Q What district are you living in at the present time? A I call Vinita my home; Coweescoowee district.
Q Are you living there? A That has always been my home; I haven't been there permanently, or in the Cherokee Nation, for seven years; I was at school but not continuously. This has always been my home.
Q How long have you resided in the Cherokee Nation? A I was born here; all my life.
Q Resided in the Cherokee Nation all your life? A Yes, my home.
Q How long have you resided in Oklahoma? A The past, two years.
Q When did you go there? A In '98.
Q That part of '98; what time in the year of '98? A In November.
Q Did you move your household effects from the Cherokee Nation? A I am a single man and have no household effects. I make my home with a sister in Vinita.
Q What is your occupation? A I am a preacher.
Q Were you assigned to a church in Oklahoma in '98? A Yes sir.
Q Been there ever since? A Yes sir, except a short time I spent out here; I come back now and then.
Q Have you been outside of the Cherokee Nation at any previous time? A No sir, except as I have been away at school and come back on a vacation.
Q Do you make application for anyone besides yourself? A No sir.
Q What is the name of your father? A Jess T. Parks.
Q Is he living or dead? A He's dead.
Q Is he a Cherokee by blood or white man? A Cherokee by blood.
Q What is the name of your mother? A Ann Thompson.
Q Are living? A No sir.
Q She a Cherokee by blood? A Yes sir.
Q Where were you living in 1880? A In Delaware district.
Q Does your name appear upon the roll of 1880? A Yes sir, I think it is on every roll that has been made.
Q Where were you living in 1896? A I was in the Cherokee Nation.
Q What district were you living in? A I was in Coweescoowee; I was teaching Cherokee Orphan Asylum, Salina Dist.
Q Did you ever exercise the right of suffrage in Oklahoma? A No sir.
Q Never voted overthere? A No sir.
1880 roll; page 267, #1974, James A.T.Parks, Delaware Dist.
1896 roll; page [illegible] 2478, James A. T. Parks, [illegible] Dist.
[illegible]

Q Have you been assigned for any certain period to remain there at that church in Oklahoma? A No sir; just a year at a time, and then I may be assigned next year back here or some other part of the Indian Territory wherever the conference sends me.
Commission-

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation. He is identified upon the authenticated roll of 1880 and the census roll of 1896 as a native Cherokee. He swore that he has made his home continuously since his birth in the Cherokee Nation with the exception of a time that he has been away at school. He also swore that he was assigned to a church in Oklahoma in November, 1898. He has been living in Oklahoma since that time. For the reason that he has not lived in the Cherokee Nation for the past two years, he will be listed

[illegible] J.A.L.P.

[illegible] by [illegible] of a [illegible] by [illegible] of the Cherokee Nation [illegible] [illegible]. We find [illegible] that [illegible] in the case will be [illegible] him [illegible] [illegible] [illegible] of the [illegible].

[illegible], being duly sworn, states that a [illegible] to the commission to the Five Civilized Tribes, is [illegible] in [illegible] proceedings in the above case, and that the foregoing is a true and complete transcription of his stenographic notes in said case.

E. L. Rothwell

Subscribed and sworn to before me this [illegible] day of [illegible], 1906.

[illegible]
[illegible]

COMMISSION TO
FILED
OCT 30 1906

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 30 1900 1900.

Name James N. Parks

Woodward, O.T. Jr.

District ~~DELAWARE~~ Year 1880 Page 397 No. 1974

Citizen by blood yes 3/32 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

MAR 12 1902

ACTING CHAIRMAN

Supl.-C.D.#753.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES A. T. PARKS as a citizen of the Cherokee Nation; introduced on part of applicant:

Mr. J. C. Starr, Cherokee Representative, present.

M. L. BUTLER, being duly sworn, testified as follows on part of applicant:

COMMISSION:

Q What is your name? A M. L. Butler.
Q Where do you live, Mr. Butler? A I am residing at present in Muskogee.
Q You are a Minister of the Gospel? A Yes, sir.
Q Are you acquainted with the applicant in this case, James A. T. Parks? A Yes, sir.
Q How long have you known him? A I have known Mr. Parks ten years.
Q Where has he been making his home during that time, A His home has been at Vinita, Indian Territory and on Grand river, but furing the past three years, well for the past five years, he has been a member of the Indian Mission Conference.
Q He is a Minister of the Gospel? A Yes, sir.
Q And as such it becomes necessary for him to live in the Oklahoma Territory? A Yes, sir, he was assigned to work in the Oklahoma Territory three years ago, but he recognized Vinita as his home; he has some holdings there.
Q As a member of your Conference he is supposed to go wherever he is ordered? A Yes, sir.
Q That is the custom? A Yes, sir; that is the law of the church.
Q He has always claimed the Cherokee Nation as his home?
A Yes, sir.
Q Do you know, Mr. Butler, whether the applicant owns any property in the Cherokee Nation? A I think he owns an improvement near Vinita.
Q How long has he been a Minister? A He has been in the Ministry about eight years; however, not in the regular work ever six years.
Q Prior to that time you knew him? A Yes, sir.
Q He was then living in the Territory? A Yes, sir; here in the Cherokee Nation.
Q Is there any other statement you desire to make relative to his case? A No, sir; I don't think there is anything else for me to state; he wrote me as I was Secretary of the Conference and knew of the facts; he would like for me to make these statements as to the facts.

Applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant having this day, to-wit: the 8th day of March, 1902, been called three times and failing to respond tiehr in person or by attorney, it is directed that the case be considered complete, and will be reported to the Commission for final decis-

ion based upon the evidence now of record.

---oo0ooo---

I, J. O. Rosson, hereby certify upon my official oath as stenographer to the commission to the five Civilized Tribes that I correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

"E" Ch. D 753.

[illegible] Motion of the
application of [illegible]
[illegible] for the [illegible]
[illegible] [illegible] as
a [illegible] of the [illegible]
Notice

Brief of Argument
for
appellant

[illegible] Attys
for appellant

Before the Commission to the Five
Civilized Tribes

Muskogee, Indi. Ter.

In the matter of the application
of James A.T. Parks for the en-
rollment of himself as a citizen of the
Cherokee Nation as a Cherokee by blood.

Statement of Facts.

The testimony in this case shows that the applicant is a Cherokee by blood, the father and mother of applicant , both being recognized Cherokee citizens by blood; That the applicant is a single man having no household effects: that he is a Minister of the Gospel stationed at Woodward, Oklahoma; that he has been temporarily absent from the Cherokee Nation attending school and preaching; that his home is at Vinita in the Cherokee Nation and that his name appears on the rolls authenticated in 1880, and the rolls of 1896.

Argument.

The contention of the applicant, James A.T. Parks, is that he is a recognized citizen of the Cherokee Nation; that his home is in the Cherokee Nation and has never been elsewhere: although he has been temporarily absent attending college and preaching the Gospel his home has always been in the Cherokee Nation: that he has always exercised the right of suffrage in the Cherokee Nation, and not elsewhere, and he has never removed with his effects from without the limits of the Cherokee Nation and has never become a citizen elsewhere. Article I, Section 2, Cherokee constitution", and that whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease".

II

That owing to the fact that he is an ordained Minister of the Gospel, belonging to the Indian Mission Conference, composed of Oklahoma and the Indian Territories, subjecting himself to the rules, regulations and discipline of such Conference by filling Stations and Circuits in the Church at such points as the Bishop of such

church and conference might designate, a forfeiture of citizenship could not be worked by accepting Stations and Curcuits temporarily in the Church from year to year when the Conference to which James A.T. Parks belongs, includes the Cherokee Nation.

III.

That owing to the fact that applicant now appears on the authenticated rolls of 1880_ " Page 297-No. 1974, James A.T. Parks, Delaware District", and on the 1896 roll" Page 1222-No. 2478, James A.T. Parks, Tahlequah District", it is incumbent on this Commission to enroll the applicant. Section 21 of the Act of June 28, 1898, " An Act for the protection of the people of the Indian Territory and for other purposes", makes it the duty of the commission to enroll such as are on these rolls. It is mandatory.

S. G. Smith

Attorney for Applicant.

Cherokee D 753.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James A. T. Parks as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 30, 1900, James A. T. Parks appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that James A. T. Parks is a Cherokee by blood. He is identified on the 1880 authenticated Cherokee tribal roll, and on the 1896 Cherokee census roll.

The evidence further shows that he was born in the Cherokee Nation, and lived in said Nation all the time from his birth up to and including June 28, 1898.

It is, therefore, the opinion of this Commission that James A. T. Parks should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 10 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Mr. James A. T. Parks,

Woodward, Oklahoma Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eighth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-783
Register.

Yours truly,

Acting Chairman.

Special agent in charge.

COPY. Cherokee D-753

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of James A. T. Parks for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Rem. 2-30 Chairman.

COPY.

Cherokee D-753.

Muskogee, Indian Territory, October 12, 1903.

S. F. Parks,

Attorney for James A. T. Parks,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of James A. T. Parks for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-88.

Register.

COPY:

Cherokee D-753.

Muskogee, Indian Territory, October 12, 1903.

James A. T. Parks,

Woodward, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Enc. D-87.

Register.

Chairman.

10753.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 28 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. 2/28/02.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lancia A. Parks for enrollment as ~~Freedmen~~ Citizen of the Cherokee Nation.

S. T. Parks.
Atty.

No.

FEB 7 1994

X 1-29

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

15 FT.

Department of the Interior.

[illegible]

MUSKOGEE, IND. T[illegible]

OFFICIAL BUSINESS

Penalty for private use, $300.

Cher 10314

Farle Phariss

Trans. from D789

Cher 10314

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., November, 13, 1900.

In the matter of the application of Farle Phariss for the enrollment of himself and two children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Farle Phariss.
Q How old are you? A 44.
Q What is your postoffice address? A Pryor Creek.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who do you apply for enrollment? A Myself and two children.
Applicant presents certificate of admission issued from the office of the Cherokee Commission on Citizenship under date of the 6th day of September, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, attested by C. O. Frye, Clerk, certifying among others that one Farle Phariss was admitted to citizenship on said date.
Q Are you the identical Farle Phariss mentioned in this certificate? A Yes sir.
Q Are you married? A Yes sir.
Q Have you any marriage certificate? A No sir, I haven't it with me.
Q Is your wife a citizen by blood? A No sir
Q What is her name? A Lizzie.
Q What was her namebefore you married her? A Brown.
Q When did you marry her? A Been married 11 years.
Q Where were you married? A In California.
Q What are the names of your children? A Allen.
Q How old is he? A Eight years old.
Q Name of the next child? A Amy A.
Q How old is she? A 6.
Q Next child? A That's all.
Q How long have you lived in the Cherokee Nation? A Since about '83.
Q Been living here continuously since that time? A No sir.
Q Where were these children born? A One was born in California and one was born in Washington.
Q How long have you been living in the Cherokee Nation? A I have been living here since '83, but not continuously. I have been away two or three different times, being in and out.
Q Been living here since '83; how did your children happen to be born in California? A I have been out of here two or three different times, backward and forward.
Q When did you come back the last time to live? A About two weeks this time.
Q Where did you live before that? A Came from Washington.
Q State of Washington? A Yes sir.
Q The fact then is you have not been living in the Indian Territory but for two weeks? A I have my place and everything I got is here.
Q Where were your family in '83? A I was here.
Q Living here? A I was living here in '83.
Q I mean in 1898? A I was in Washington in 1898.
Q Neither of your children were born in the Cherokee Nation? A No sir, they were not.
1894 roll: page 269, #3276, Farley W. Phariss, Cooweescoowee.
1894 roll: page 269, 3277, Allen Pharriss, Cooweescoowee.
1894 roll: page 269, 3278, Agnes Pharriss, Cooweescoowee.

W. W. Hastings, Representative of the Cherokee Nation-
Q Where did you come from to the Cherokee Nation in '83 or '84?
A From California.
Q How long did you remain? A About six years as near as I can tell
Q When you went back to California? A I went back to California and was gone something like two months.

A

2- F.P.

Q How long did you remain in the Cherokee Nation when you returned that time? A I staid here something like two years I guess.
Q Then you went where? A Then I went to Washington.
Q And you remained here until two or three weeks ago? A No sir, I came back again.
Q How long did you stay when I came back the next time? A I don't know really how long I was here.
Q Figure it up can't you tell? A I don't know.
Q A month of a week? A Oh yes, I don't know whether I was here a year or not.
Q Where were you married? A In California.
Q When? A Eleven years ago.
Q None of your children born in the Cherokee Nation? A No sir.
Q You wife hasnever been in the Cherokee Nation? A Yes sir.
Q When did she come? A She has been in the Cherokee Nation she was with me until I went away; she went away with me the last time on account of her health.
Q What were you doing out there? A Anything I could get to do.
Q What was that? A I fished and I worked for a mill.

Commissioner Needles-

The name of Farle Phariss is found upon the pay roll of 1894, and he presents certificate of admission to citizenship more fully described in the testimony certifying that he was admitted to Cherokee citizenship in September 1884. His name does not appear upon the Census roll of 1896. He avers that he was married to one Lizzie Brown, a non citizen, of the State of California, but presents no proof of marriage. He avers that be said marriage he has two children, whose names appear upon the pay roll of 1894, but do not appear upon the Census roll of 1896. He fails to make satisfactory proof as to his residence; he makes no proof as to his marriage to his wife; consequently, final judgment as to the enrollment of the said Farle Phariss will be suspended. His name will be placed upon a doubtful card because of unsatisfactory proof as to his residence. His two children will also be placed upon a doubtful card and final judgment for their enrollment will be suspended awaiting proof of marriage and satisfactory proof as to residence.

E.B.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

E. B. Rothenberger

Subscribed and sworn to before me this 13th day of November, 1900.

Commissioner.

RIBES.

CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

144 8

Date NOV 13 1900 1900.

Name Sarah Pharis Pryor Creek

District COOWEESCOOWEE. Year 1894 Page 369 No. 3276

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Doubtful

Names of Children:

2 Allen Pharis Dist. COOWEESCOOWEE Year 1894 Page 369 No. 3277 Age 8

3 Amy A. " Dist. COOWEESCOOWEE Year " Page 369 No. 3278 Age 6

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

3 on 1896 roll as Sarley W. Pharis
agnes

Certificate of marriage to be supplied

DEC 8 1900
LITTLE
COMMISSION TO LAND AND CHATTED LIMITED
DEPARTMENT OF TRANSITRAVEL
ROBERTSON SMITH & CO.

137

State of California,

County of Marin.

This Certifies, That I, John Valentini

a Catholic Priest of the County of Marin, UNITED IN MARRIAGE,

in the County of Marin, on the 26th day of

June A.D. 1889.

Mary Charles

AND

Charlie Brown

Residence Coleroa	Residence Olema Marin
Age 23	Age 25
Color White	Color White
Single ~~or Widower~~	Single ~~or Widowed~~

As authorized by the within Instrument and in accordance with the Laws of the State of California.

Residences:

Witness: Olema Marin Co. Cal.

Witness: Olema Marin

John Valentini

Catholic Priest

Dated: This 26th day of June 1889

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 8 1900
Secretary & ex-officio Chairman

Farley Harris

AND

Elizabeth Brown.

Marriage License

AND

CERTIFICATE OF MARRIAGE

Father Valentine
Cd. 15
P 5 C 12 89
Married
F. C. Mazie 13

2789.

State of California,
County of Marin.

This Certifies, That I, John Cassidy
a Catholic Priest of the County of Marin,
in the County of Marin, on the 26 day of
UNITED IN MARRIAGE,

Lot c

County of Marin

STATE OF CALIFORNIA

MARRIAGE LICENSE.

These Presents are to authorize and license any Justice of the Supreme Court, Judge of the Superior Court, Justice of the Peace, Priest, or Minister of the Gospel of any denomination within the County of Marin to join in Marriage

Ashley Harris age 33 years

Place of Residence Chocolate Indian Territory

and

Miss Lizzie Brown age 21 years

Place of Residence Nicasio Marin Co. Cal.

and certify the same according to law.

Witness my hand, of sufficient age to contract marriage

In Witness Whereof, I have hereunto set my hand and the seal of the Superior Court, or seal for the County of Marin State of California this 13th day of June 1889

Wm J Bennett
County Clerk of the County of Marin
and ex officio Clerk of the Superior Court thereof.

Wm K McCarty Deputy Clerk

D

D 789

SSION TO
FILED
OCT 23 1901

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cohweh 12, 1904

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Hattie Harrison et al for enrollment as citizens of the Cherokee Nation.

Hattie Harrison
Applicant

No. 2481

[illegible]
Q You had been living there 7 or 8 years before you came back there this last time? A Yes sir.
Q Where had you been living when you went to Washington Territory? A In the Cherokee Nation.
Q How long had you been living here when you went to Washington Territory? A Between 7 and 8 years.
Q Where did you live before that? A In California.
Q You were married in California and your children were born in California? A Yes sir and in Washinton Territory.

- - - - - - - - -

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, and correct transcript of his stenographic notes therein.

[illegible]

[illegible] this the 21st of October, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Parle Pharris, et al., Cherokee Doubtful case #789.

Appearances:
J. L. Bough for the Cherokee Nation
Applicant present in person.

JOHN ~~[illegible]~~ PHARRIS being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation.
(By Bough)
Q What is your name? A John Pharris.
Q What is your age? A 48.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived here off and on since '84.
Q Are you acquainted with the applicant, Parle Pharris? A Yes sir.
Q What relation is he to you? A Brother of mine.
Q Do you know when he was admitted to citizenship? A Some time in '84 I dont remember exactly.
Q How long has he lived in the Cherokee Nation? A Off and on since '83, he came here in '83.
Q Where has he been living for the last eight or ten years? A For the last eight years he has been part of the time in Washington.
Q State of Washington? A Yes sir.
(By Applicant of Witness)
Q Who had charge of my place while I was away? A I did.
Q Did you lease it for me or rent it? A Rented it.
Q What did you do with the proceeds of that place? A Part of it I put in the place and part of it I sent to you.
Q Why did I go away from here? A By the advice of Dr. Burr, on account of your wife's health; he advised you to take her to the coast.

SCOTT WESTFALL being first duly sworn ~~[illegible]~~ by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Bough)
Q What is your name? A Scott Westfall.
Q How old are you? A 53
Q What is your post office address? A Choutemi.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q How long have you known Mr. Parle Pharris? A About a year.
Q Do you know anything about where he has been living prior to the time you were acquainted with him? A They told me he was in Washington; I rented his farm from his brother for three years, and he told me afterwards that his brother was coming back on the place himself.
Q You understood then that he had been living in Washington? A Yes sir.
(By Applicant of witness)
Q When you rented the farm, whose farm did you understand it to be? A Your place——Parle Pharris' place.
Q Did you ever hear anything said as to where the rents of that place was to go? A When he said the corn he said he said it to send you money to come back on.
(By Commission of applicant) (He having been duly sworn)
Q Where do you live now ? A On the place.
Q Where is that? A In the Cherokee Nation.
Q How long have you lived there? A Been there continuously since I came back.
Q Born and raised there? A No, since I came back this last time.
Q When did you come back this last time? A A year ago.
Q Did you bring your family back then ? A Yes sir.
Q Before that where did you live? A I lived there a year before that.

Q How could you live there a year before you got back? A I dont understand your question.
Q Well, how long have you lived there this last time? A A year.
Q Where did you live before that year? A In Washington Territory.
Q How long had you lived in Washington Territory? A Between 7 and 8 years.
Q Did you own property in Washington Territory? A No sir.
Q What were you doing there? A Working.
Q Did you ever vote there? A No sir.
Q Did you ever vote in the Cherokee Nation? A No sir.
Q You say you owned no property in the Washington Territory? A No sir.
Q You had been living there 7 or 8 years before you came back here this last time? A Yes sir.
Q Where had you been living when you went to Washington Territory? A In the Cherokee Nation.
Q How long had you been living here when you went to Washington Territory? A Between 7 and 8 years.
Q Where did you live before that? A In California.
Q You were married in California and your children were born in California? A Yes sir and in Washinton Territory.

= = = = = = = = = =

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, and correct transcript of his stenographic notes therein.

Charles von Weise

Subscribed and sworn to before me this the 21st of October, 1901.

Commissioner.

[illegible]

	[illegible]	[illegible]
H.S.	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]

[illegible] September 5th 1884.

~~Qu[illegible] Allowance Dep[illegible]~~

Qu[illegible] Saturday September 6th 1884

And now on this the 5th day of Sept 1884 This cause coming on for hearing and all the evidence in the cause being produced and after being duly considered by the Commissioner. It was adjudged by

[illegible] Albert
[illegible] Thomas
Congratulate George [illegible] Thomas
[illegible] Aggie Thomas and Minnie
George Aggie [illegible] Willable
and John Thomas children of Albert
Thomas and Grandchildren to Aggie
[illegible] and our prayer and
[illegible] for [illegible] and [illegible]
[illegible] Amen [illegible] And
our Lord God [illegible] the full
and [illegible] [illegible]
the Lord [illegible] Mother Thomas
[illegible] the heaven
[illegible]

[illegible]

[illegible] Jones President
[illegible] Secretary
Andrew Francis Secretary

Signed & Sealed
[illegible]

[illegible] original
[illegible]
[illegible]
Commission

Q When did he marry in California? A I don't remember; I think it was about 1889.

[illegible] Q [illegible] times. He was [illegible]

[illegible]

He [illegible] before he married, [illegible] California [illegible] married; I don't [illegible] out there [illegible] married [illegible] in [illegible].

Q [illegible] he had come from [illegible] California? A No, he went [illegible] here and I suppose stayed [illegible] married.

Q I reckon he didn't go that time [illegible] California [illegible] married [illegible] back home [illegible] Washington.

Q How many children [illegible]? A [illegible]

Q The [illegible] Washington [illegible].

Q How [illegible] was [illegible]

Q [illegible] California [illegible]

Q He [illegible] California or the state of Washington claims he was married up to the time he moved to Lapwai? A No, he came back here and stayed a year or two years after he was married.

Q Well with that exception? A Yes sir.

[illegible] case and [illegible] he [illegible] testimony [illegible] of [illegible].

I, [illegible], [illegible] certify that as stenographer to the Commission of the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

R

C. D-789

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Farle Pharriss for the enrollment of himself and children as Cherokee citizens.

Appearances:
I. P. Bledsoe, Chouteau,I.T., ~~attorney~~ agent for appl'ts;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18,1902, that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 10th day of March,190 2. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 10,1902, appears by his agent, I.P.Bledsoe.

JOHN PHARISS being first duly sworn and being examined testified as follows:
BY MR. BLEDSOE:
Q What is your name? A John Phariss.
Q How old are you? A I will be 49 in June.
Q Where do you live? A Wagoner.
Q Do you know Aggie Phariss? A Yes sir.
Q What relation is she to you? A My mother.
Q Do you know Farle Phariss? A Yes sir.
Q What relation is he to you? A My brother next to me.
Q Do you know whether Farle Phariss owns a place in Cooweescoowee District or not?A Yes sir.
Q You know how long he has owned that place? A Since 1884.
Q Was he admitted with yourself and your mother at that time to citizenship in the Cherokee Nation? A Yes sir.
Q And where was he during the year 1896? A In 1896 he was in Washington Territory.
Q Did he have a place here in Cooweescoowee District while he was in Washington Territory? A Yes sir, had the place ever since, same place he first located in 1884.
Q About how many acres did he have under fence on that place? A When he first fenced it or now?
Q When he left here and went to California? A 80 or 90 acres.
Q Did he have a house on that place? A Two houses, two room box house and a story and a half log house.
Q Who did he leave his property here with when he left here; what property did he have when he left here? A He had horses, I say horses he had a horse and a mule.
Q How many cattle did he have? A Some cows and calves, 12 or 13 I don't remember exactly.
Q Did he have any hogs? A Yes sir, 25 or 30 head, somewheres along there; had more hogs than anything else.
Q Was he living in either one of these houses when he left? A Yes sir.
Q Did he take his household and kitchen furniture away when he left? A No sir.
Q What did he take away? A Just his trunk and his wife's clothes.
Q What was the cause of his leaving? A On account of his wife's health, Doctor Bird advised him to take his wife to the coast.
Q Who attended to this place while he was gone? A I did.
Q What became of the rents? A Part of it I put on the place and broke some more land and the rest of it I send to him.
Q Where is Farle Phariss now? A Up on Puget Sound.

Q On the same place you had charge of? A Yes sir.
Q He has continued to hold that place and own it since he left here up until now? A Yes sir.
Q And he has been receiving the profit and rents? A Yes sir.

BY COMMISSION: The original certificate showing the admission of Farle Fharis to citizenship in the Cherokee Nation on the 6th day of September, 1884, by the Cherokee Commission on Citizenship. Same is filed herewith.

BY MR. HASTINGS:

Q This man was married in California? A Yes sir.
Q All of his children were born in out there? A No; his children were born in Washington.
Q When did he marry in California? A I don't remember; I think it was about 1889.
Q That was after he was admitted? A Oh yes, he was admitted in 1884.
Q He went out there then before he married, out to California? A Before he married; he went out there and married a girl in California.
Q That was after he had gone from here to California? A No, he went from here out there and I suppose stayed two or three months, when he got married.
Q I reckon he didn't go that time on account of his wife's health did he? A No; he just went out to California and got married and come back here and afterwards went to Washington.
Q How many children has he? A Two
Q They were both born in Washington? A Yes sir.
Q How long has he been back here this last time? A Why he has ~~been here something over a year I think.~~
Q Returned here to enroll didn't he? A Moved here yes sir.
Q He has practically lived here all the time in California or the state of Washington since he was married up to the time he came to enroll? A No, he came back here and stayed a year or two years after he was married.
Q Well with that exception? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D-786

CERTIFICATE OF MARRIAGE.

THIS CERTIFIES THAT Wilson L. Waybourn of Claremore, State of I. T. AND Georgia A. Smart of Talala, State of I. T. were by me united in the Holy Bonds of M trimony According to the Ordinance of God and the Laws of the State of Kansas, on the 16th day of April, A. D. 1899.

In the presence of

Belle Garlinghouse,

At Independence.

witnesses.

(Signed) J. S. Way

(Signed)- Justice of the Peace

(SEAL)

~~DEPARTMENT OF THE INTERIOR~~

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T. July 1, 1902.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Wilson L. Waybourn as a citizen of the Cherokee Nation .

[illegible] B. C. [illegible]

Cherokee D 789.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Farle Phariss for the enrollment of himself and his minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 13, 1900, Farle Phariss appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and his two minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 24, 1901, and at Muskogee, Indian Territory, on March 10, 1902.

The evidence shows that the said Farle Phariss, among others, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 6, 1884; ~~that the said minor applicants are his children, born since the date of his admission.~~

It further appears that the applicants are identified on the 1894 Cherokee strip payment roll as follows: Farle Phariss as Farley W. Phariss; Allen Phariss, Amy A. Phariss as Agnes Phariss.

The evidence further shows that the said Farle Phariss removed to and settled in the Cherokee Nation in 1883 and continued to reside therein until about the year 1891, at which time he removed to the State of Washington and remained there until about 1900 when he returned to the Cherokee Nation; that during the period of his absence from the Cherokee Nation the said Farle Phariss maintained possession and control of a farm in the Cherokee Nation and certain live stock and other personal property which he kept thereon.

It is, therefore, the opinion of this Commission, following the decision of the Department in the matter of the application for the enrollment of Joseph D. Yeargain, et al. as citizens of the Cherokee Nation (I.T.D.2900--1903), that Farle Phariss, Allen Phariss and Amy A. Phariss should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Hankins
Commissioner.

Muskogee, I. T.,

this SEP 18 [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
[illegible] 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

Parle Pharies,

Pryor Creek, Indian Territory.

Dear Sir:

You are hereby notified that the application of yourself and two minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on March 10, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certified copy of your re-admission as a Cherokee citizen.

Yours truly,

Cherokee D 700
Registered

[redacted]
Commission Executive Clerk.

Cherokee D-788

COPY.

Muskogee, Indian Territory, September 22, 1906

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting the application of Earle Fharies for the enrollment of himself and his two minor children, Allen and Amy A. Fharies, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-87

COPY.

Cherokee D-782.

Muskogee, Indian Territory, October 12, 1903.

Farle Fharies,

Pryor Creek, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your two minor children, Allen and Amy A. Fharies, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-107

Register.

Cherokee D-789.

Muskogee, Indian Territory, October 12, 1903.

I. P. Bledsoe,

Agent for Farle Phariss et al.,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Farle Phariss for the enrollment of himself and his two minor children, Allen and Amy A. Phariss, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-108

Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Cher 10315

Myrtle B. Ward

Trans. from D970

Cher 10315

but divorced from that husband before her present marriage; [illegible]
[illegible] children, [illegible] she was never
[illegible] child of the [illegible]
[illegible] child [illegible]
[illegible] between the [illegible] wife, [illegible] husband.

RECEIVED
APR 13 1900
COMPTROLLER OF THE CURRENCY

[illegible] stenographer to
the [illegible] correctly recorded
the testimony [illegible] in this case and that the foregoing is
a true and complete transcript of his stenographic notes taken.

REJECTED, as to wife, Ella; DOUBTFUL, as to child, MYRTLE B.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah I.T., December 14, 1900.

In the matter of the application of Francis A. Ward for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follws:

Q Give me your full name? A Francis A. Ward.
Q How old are you? A 39.
Q What is your post-office? A Siloam Springs, Arkansas.
Q In what district do you live? A Goingsnake.
Q Who is it you want to enroll, yourself and family?
A Self and children.
Q You have no wife? A Yes sir.
Q Do you want to apply for her? A No sir.
Q Why not? A I have been married ~~to her~~ twice; I am divorced from one; I was married in 1887.
Q How long have you been married to this wife? You are living with now? A In 1897.
Q Is she the mother of any of your children? A One.
Q You had better apply so as to have her in the record?
A Well.
Q How many children have you altogether? A 7.
Q Six of them by a former wife and one by this wife? A Yes sir
Q Are you a Cherokee by blood? A Yes sir.
Q Is your present wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I come here in 1881.
Q Were you admitted by the Cherokee Commission on citizenship?
A Yes sir.
Q Have you your certificate of admission? A Yes sir (Produces papers)
Com'r: The applicant presents an official certificate of admission to Cherokee citizenship issued on the 13th of September 1881 showing that on that day he was admitted to citizenship by the Cherokee Commission; the Commission did not have a seal at that time, but this document is identified by the Cherokee representative present as correct and in due form, and it is filed herewith
Q So you have lived here ever since you were admitted in 1881?
A Yes sir.
Q Give me the name of your present wife? A Ella
Q When were you married to your present wife? A 1897.
Q What was your present wife's name before you married her?
A McLain.
Q She was a widow? A Yes sir.
Com'r: The applicant presents license issued by the clerk of the United States Court for the Northern District of the Indian Terry August 21 1897, authorizing marriage between himself and Mrs. Ellen T. McLain; the certificate shows they were united in marriage on the 16th of September of the same year by the Rev. Lewis H. Stuckey.
Q Your wife's full name then is Ella [illegible] Ward.
Q How old is this wife? A She is [illegible] I think.
Q Your present wife was married before you married her? A Yes sir
Q How often was she married before you married her? A Once.
Q Was that husband dead when you married her? A No sir.
Q Was she divorced from him? A Yes sir (Produces papers)
Q Your wife's maiden name was what? A McLain.
Q What was the name of the man she was married to? A Sherman.
Q And when you married her she had resumed her maiden name?
A Yes sir.
Q This document you hand me states that at a sitting of the United States Court at Tahlequah November 1896, your wife, Ella W. McLain was divorced from George T. Sherman, but it is merely a copy

of the decree, supplied by your wife's attorney; it isn't an official copy; you are desired to secure an official copy from the record; this is returned to you and please supply the Commission with a copy of the record by the custodian of the recrd.
Q Now has this wife lived with you ever since you and she were married in 1897? A Yes sir.
Q Give me the names now of your children, beginning with the oldest? A ~~x xxxxx~~ (Hands Com'r list of names)
Marion W.S., this is the oldest child is it? A Yes sir.
Q That child is 15 years old , that right? A Yes sir.
George D., that is the next one is it, A Yes sir.
Q He is 14, years old? A Yes sir.
And then Nettie A. Wood, that is the next one, A Yes sir.
Q She is 12 years old? A Yes sir.
Q And then Mary Elizabeth, that is the next one , she is nine years old, that right? A Yes sir.
Q John Riley, seven years old, that right? A Yes sir.
Q And James Franklin, 5 years old, that right? A Yes sir.
Q And Myrtle Beatrice, she was born the 17th of October 1899?
A Yes sir.
Q Now Myrtle is a child of your present wife? A Yes sir.
Q The others are children of a former wife? A Yes sir.
Q Are these children all living now? A Yes sir, they was yesterday morning.
Q What is the name of the mother of your first six children here?
A Mariah Angeline.
Q Was she a white woman? A Yes sir.
Q You were married to her in 1880 were you, A Yes sir.
Com'r: The applicant presents an official copy of the ~~xxxxxxxxxx~~ record of Wayne County, Tennessee, showing that he was married to this wife, October, 4, 1880, her name at that time being Whitton.
Q Is that right? A Yes sir.
Com'r: This is filed herewith.
Q When were you divorced from this wife? A In 1897, April.
Q Have you a copy of the decree of divorce? A No sir.
Q Can you get a copy? A They told me where I could.
Q Were you ever married before you married this wife, Mary?
A No sir.
Q Did she live with you up until the time you were divorced in 1897? A Yes sir, all but about three months.
Q What time in 1897? A April.
Q And you were married to your present wife the August following?
A Yes sir.
Q Your wife Mary ever married before she married you? A Nosir
Q Was your wife Ellen, your present wife, ever married more than once before she married you? A No sir.
Q Were you ever married before you married your wife Mary? A Nosir
1896 roll page 806 #2376 Franklin Ward Goingsnake
1896 roll page 830 #217 Mariah Ward Goingsnake
1896 roll page 806 #2377 Marion Ward Goingsnake
1896 roll page 806 #2378 George Ward Goingsnake
1896 roll page 806 #2379 Nettie Ward Goingsnake
1896 roll page 806 #2380 Mary Ward Goingsnake
1896 roll page 806 #2381 John Ward Goingsnake
1896 roll page 806 #2382 James Ward Goingsnake .

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and ~~two~~ children; six of these children being by a former wife and one by his present wife; he states that he was admitted to citizenship by the Cherokee Commission on citizenship in 1881, and that he has lived in the Cherokee Nation ever since; he is identified on the roll of 1896 as a native Cherokee; his certificate of admission is filed herewith and he will now be listed for enrollment as a Cherokee by blood; his present wife, Ellen T. Ward is shown to have married him August 31 1897; she has lived with him ever since; he states that she was once previously married,

but divorced from that husband before her present marriage; ~~he is~~ and that he was once previously married and that he was divorced from that wife before his present marriage; he is desired to supply the Commission with a copy of both of these records of divorce; this wife having married him after the Cherokee law of December 16 1895 prohibiting the acquirement of citizenship by marriage, the application for the enrollment of this wife is rejected; the first six children named in the testimony are the children of the applicant's first wife; they are, according to his testimony, duly identified on the roll of 1896; they are living at this time, they will now be listed for enrollment as Cherokees by blood, the applicant having filed an official copy of the evidence of his marriage to his first wife, the mother of these children, and he states that she was never married previous to her marriage to him. The youngest child of the seven named in the testimony, is a child of the present marriage; when a certificate of the birth of this child, Myrtle B., Ward, is filed with the Commission, this child will be listed for enrollment on a doubtful card as a Cherokee by blood, to await an official copy of the decree of divorce between the applicant and his first wife and between the mother of this child, who is the applicant's present wife, and her first husband.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 15, 1900.

C Theunis

Commissioner.

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 14 1900

ACTING CHAIRMAN.

Commission of Appraising Values Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Myrtle B. Ward Dist. Year Page No. Age 1

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Child of Francis A and Ellen T. Ward
and evidence of divorce of each to be supplied
affidavit of birth to be supplied

[illegible] made by W. R. Grovens [illegible] stenographer.

Subscribed and sworn to before me this the 21st of January, 1901.

Commissioner.

FILED
JAN 21 1901
CLERK CHANCERY
IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT

6650
R 494

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 19th 1900.

Supplemental testimony in the matter of the enrollment of Francis A. Ward, Straight Card #6650, and Myrtle B. Ward, "D" 970. B. W. Alberty being sworn and examined by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. B. W. Alberty.
Q What is your age? A. Forty-seven
Q What is your post office address? A. Tahlequah.
By Mr. W. W. Hastings, Cherokee Representative-
Q What official position do you hold now if any? A Assistant Executive Secretary of theCherokee Nation
Q As such, are you the custodian of the records of Goingsnake District Circuit Court? A. Yes sir.
Q Have you examined these records to find whether or not the records show that a divorce was granted between Francis A. Ward and his former wife Mariah A. Ward? A. I have examined them: there is no record of it.
Q Do you know whether or not Francis A. Ward secured a divorce from his former wife, or whether she secured one from him? A. I was present in court when the divorce was granted.
Q When was that? A. In '97
Q What time in 1897? A. I think it was the May or April term of Court.
Q Of 1897? A. Yes sir.
Q You know a divorce was granted? A. Yes sir.
Q Do you know Francis A. Ward? A. Yes sir.
Q Did he marry this second wife before this divorce was granted? A.I cannot say about that.

Simon R. Walkingstick, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A. Simon R. Walkingstick
Q What is your age? A. Thirty-two.
Q What is your post office address? A. Tahlequah.
Q Do you know Francis A. Ward.? A. Yes sir.
Q Did you represent him in a divorce suit in Goingsnake district some three or four years ago? A. Yes sir, I think it was in '97
Q Do you know whether it was in the spring? A. I think it was in the spring
Q Do you know whether a divorce was granted or not? A. Yes sir it was.
Q Granted him from his former wife? A. Yes sir.
Q Do you know what his wifes name was? A. No sir.
Q But you know the divorce was granted? A. Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Greene.

Subscribed and sworn to before me this 19th day of January, 1901.

G. R. Breckinridge,
Commissioner.

I, the undersigned being sworn as stenographer to the Commission to the Five Civilized Tribes state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony taken in the matter of the application for the enrollment of Francis A. Ward et al, said original transcript having

been made by R. R. Greene as stenographer.

Chas. Wm. Ward

Subscribed and sworn to before me this the 21st of January, 1921.

Commissioner.

[illegible] Interior,
[illegible] Five Civilized Tribes.
[illegible] 19, 1907.

[illegible] application of [illegible] Ward as a [illegible] Nation.

[illegible] notified by registered letter February 25, 190[illegible], [illegible] application for the enrollment [illegible] child, Myrtle B. [illegible] a citizen of the Cherokee Nation, would be taken up for final consideration [illegible] Commission at its office in Muskogee, [illegible] March 1902, and that on said date he might appear before the Commission [illegible] in person or by attorney, when an opportunity would be given him to introduce any additional testimony material to the application. Receipt has been acknowledged of said notice of letter, and the applicant having this day, to-wit: the 15th day of March, 1907, been called, and failing to respond, it is deemed that this case is closed, and same will be reported to the Commission for final decision upon the evidence now of record.

DECEIVED
MAR 22 1907
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Indian Office
MAR 20 1907

R.

C. D-970.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Francis A. Ward for the enrollment of his child Myrtle E. Ward as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 26, 1902, that his application for the enrollment of his child, Myrtle E. Ward, as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that this case is closed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

"D"

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1900

ACTING CHAIRMAN

United States of America, :
Indian Territory, :ss.
Northern District, :

Ella T. Sherman, Plff. :
vs :
:ss. Equity No. 83.
George T. Sherman, Deft. :

DECREE of DIVORCE.

In the United States Court,
Sitting at Tahlequah, I.T.,
November Term, A.D.1896.

On this day came on to be heard the above entitled cause and it appearing to the court that the defendant, George T. Sherman, had been duly cited to trial as required by law, and all things being regular, and it further appearing from the evidence, that the plaintiff and defendant had been lawfully married, and that the defendant has willfully abandoned the plaintiff for over the space of one year before the bringing of this suit: It is therefore considered, ordered, and adjudged by the court, that the bonds of matrimony heretofore existing between the plaintiff and defendant, be dissolved, and that the plaintiff be divorced from the defendant, and returned to her maiden name of Ella T. McClain, and that she have the perpetual care, custody and control of her three minor children, Gilbert Sherman, Cora T. Sherman, and Jesse T. Sherman, whose names are mentioned in the Complaint, and that she recover from the plaintiff her costs in this behalf expended, for which let execution issue.
Dated at Tahlequah, I.T., this 20th day of November, A.D.1896.
Signed Wm. M. Springer, Judge of the United States Court for the Northern District of the ~~Indian Territory.~~

United States of America, :
Indian Territory, :
Northern District. :ss.
:

I, Chas. A. Davidson, Clerk of the United States Court, for the Northern District of the Indian Territory, do hereby certify that the above and foregoing Decree of Divorce is a true and exact copy of a decree of divorce granted in this court on the 20th day of November, A.D. 1896, at the regular November Term of said court, as the same appears on the records of said court in Common Record 1, page 144.
In testimony whereof I have hereto signed my name officially, and affixed the seal of said Court at my office in Tahlequah, I.T., this 14th day of December, A.D. 1900.

Chas. A. Davidson, Clerk.
by Herbert C. Smith
Deputy Clerk.

20

IN RE

Application for Enrollment of

INFANT CHILD

Myrtle B. Ward

as a citizen of the

CHEROKEE Nation.

Approved. DEC 19 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Myrtle B Ward (Here insert name of child), born on the 17th day of November, 1899

Name of Father: Francis A. Ward, a citizen of the Cherokee Nation.

Name of Mother: Ella T Ward, a citizen of the Cherokee Nation.

Post-office, Siloam Springs, Arkansas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
State of Arkansas District.
County of Benton

I, Ella T Ward, on oath state that I am Twenty Nine years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of Francis A. Ward, who is a citizen, by Blood, of the Cherokee Nation; that a Female (male or female) child was born to me on the 17th day of November, 1899; that said child has been named Myrtle B Ward, and is now living.

Ella T Ward

WITNESSES TO MARK:
(Must be Two Witnesses.) Willard Ott
W. S. Ward

Subscribed and sworn to before me this 3d *day of* September, 1900

Commission expires May 24th 1904

J. E. Dunham
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
State of Arkansas District.
County of Benton

I, Mary E Ott, a Mid wife, on oath state that I attended on Mrs. Ella T Ward, wife of Francis A. Ward, on the 17th day of November, 1899; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Myrtle B Ward

Mary E Ott

WITNESSES TO MARK:
(Must be Two Witnesses) Willard Ott
W. S. Ward

Subscribed and sworn to before me this 3d *day of* September, 1900

Commission expires May 24th 1904

J. E. Dunham
NOTARY PUBLIC.

Ella T. Ward

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Myrtle B Ward (Here insert name of child), born on the 17th day of November, 1899

Name of Father: Francis A. Ward, a citizen of the Cherokee Nation.

Name of Mother: Ella T Ward, a citizen of the Cherokee Nation.

Post-office, Siloam Springs, Arkansas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
State of Arkansas District.
County of Benton

I, Ella T Ward, on oath state that I am Twenty Nine years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of Francis A. Ward, who is a citizen, by Blood, of the Cherokee Nation; that a Female (male or female) child was born to me on the 17th day of November, 1899; that said child has been named Myrtle B Ward, and is now living.

Ella T Ward

WITNESSES TO MARK:
(Must be Two Witnesses.)
Willard Ott
W. B. Ward

Subscribed and sworn to before me this 3d *day of* September, 190 0.

Commission expires May 24th 19 4

J E Dunham
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
State of Arkansas District.
County of Benton

I, Mary E Ott, a Mid wife, on oath state that I attended on Mrs. Ella T Ward, wife of Francis A. Ward, on the 17th day of November, 1899; that there was born to her on said date a Female child; that said child is now living and is said to have been

[illegible]

[illegible]

County of Benton

[illegible], certify that all erasures and alterations made in the [illegible] Application for Enrollment, were [illegible] and were [illegible]

J E Dunham
Notary Public

Commission expires May [illegible] 1904

20

IN RE

Application for Enrollment of

INFANT CHILD

Marvin Jefferson Ward

a citizen of the

Cherokee Nation.

Approved Oct 31 1902

C. R. Breckinridge

Commissioner.

8/30/02 Held pending decision

IN RE

Application for Enrollment of

INFANT CHILD

Marvin Jefferson Ward

a citizen of the

Cherokee Nation.

Approved Oct 31 1902

C. R. Breckinridge

Commissioner.

8/30/02 Held pending decision

FILED
OCT 31 1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Marvin Jefferson Ward (Insert name of child), born on the 13 day of July, 190 2
Name of Father: Frances A. Ward, a citizen of the Cherokee Nation.
Name of Mother: Ellar T. Ward, a citizen of the Cherokee Nation.
Post-Office: Sloan Springs Ark

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } State of Arkansas
County of Benton District. }

I, Ellar T. Ward, on oath state that I am thirty-one years of age and a citizen, by adoption, of the Cherokee, Nation; that I am the lawful wife of Frances A. Ward, who is a citizen, by Blood, of the Cherokee Nation, that a male (Male or female) child was born to me on the 13 day of July 190 2; that said child has been named Marvin Jefferson Ward, and is now living.

Ellar T. Ward

WITNESSES TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 23 *day of* August 190 2

Connally Farrington
Notary Public.
My Com Expires Oct 24-1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } State of Arkansas
County of Benton District. }

I, L. A. Forester, a Midwife, on oath state that I attended on Mrs. Ellar T Ward, wife of Frances A Ward, on the 13th day of July, 190 2, that there was born to her on said date a male (Male or female) child; that said child is now living and is said to have been named Marvin Jefferson Ward

X - L. A. Forester

WITNESSES TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 23 *day of* August 190 2

Connally Farrington
Notary Public.

Cherokee D 970.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle B. Ward and Marvin Jefferson Ward as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 14, 1900, Francis A. Ward appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his minor child, Myrtle B. Ward, as a citizen by blood of the Cherokee Nation. The other parties to the application, being differently classified, are not embraced in this decision. Subsequent to the date of his original application, a birth affidavit was filed with the Commission as to his minor child, Marvin Jefferson Ward, and the same is made a part of the record herein. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900.

The evidence shows that Francis A. Ward, father of the applicants herein, is a Cherokee by blood and was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on September 13, 1881; and that he is identified on the 1896 Cherokee census roll as a native Cherokee.

The evidence further shows that on September 16, 1897, the said Francis A. Ward was married to one, Ellen T. McLain; that the said applicants are the issue of said marriage; and that at the time of said marriage the said Francis A. Ward had a former wife living from whom no proof of divorce is shown. It further appears that the said applicants were born since 1897 and are too young to appear on any of the tribal rolls but are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Francis A. Ward has resided in the Cherokee Nation continuously since the date of his admission to citizenship in 1881; and it is considered that his said minor children have always resided with him in the Cherokee Nation.

Section 692 of the 1892 Compiled Laws of the Cherokee Nation provides as follows:

> "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate;.."

It is, therefore, the opinion of this Commission that Myrtle B. Ward and Marvin Jefferson Ward should be enrolled, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 18 1908

COMMISSIONER OF THE
FILED
FEB 1909

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. Francis A. Ward,

Siloam Springs, Arkansas.

Sir:-

You are hereby notified that the application of Myrtle B. Ward

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 13 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-970
Register.

Yours truly,

Acting Chairman

Commissioner in Charge.

Cherokee D-[illegible],

Muskogee, Indian Territory, September 3, 1902.

Francis A. Ward,

Siloam Springs, Arkansas.

Dear Sir:-

The Commission is in receipt of birth affidavit in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Marvin Jefferson Ward, infant child of yourself and Ella T. Ward. The same is in due form and has been filed.

Yours truly,

Acting Chairman.

COPY.

Cherokee D-970

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Francis A. Ward for the enrollment of his two minor children, Myrtle B. and Marvin Jefferson Ward, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-15

COPY.

Cherokee D-970.

Muskogee, Indian Territory, October 12, 1903.

Francis A. Ward,

Siloam Springs, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your two minor children, Myrtle B. and Marvin Jefferson Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-101

Register.

Cher 10316

Phoebe Goodmoney

Trans. from D1315

Cher 10316

1900 Authenticated Roll of Citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 203, #2201, Taylor Foster, Delaware District, age 3.

[illegible] roll of citizens of the Cherokee Nation examined, and [illegible] identified as follows:

Page 475, #1202, [illegible], Delaware District, age 26.

Page 475, #1203, [illegible] Delaware District, age 5.

Q The mother of these two children, [illegible] A [illegible] had more than [illegible]

Q [illegible] person as his wife [illegible] A Yes [illegible], I suppose, so, she lived with two other persons [illegible].

Q For what length of time did she live with these other persons?

Q One about a year, and the other one about three months.

Q Did she have any children by either one of them? A No sir.

Q [illegible] recognize her [illegible] their wife, at the time she lived with them? A Yes sir, I suppose so.

Q They lived in the same house, as man and wife? A Yes sir.

Q They were both full blood citizens, were they? A Yes sir.

Q What were the names of these two men? A [illegible] Wolf and Jim Choctaw.

Q About what time did she live with this Wogamon White? A About 1880.

Q Lived with him for about a year? A Yes sir.

Q And then did she quit him and go to living with Jim Choctaw? A Yes sir.

Q About how long did she live with him? A About three months, in 1890.

Q She then quit living with him, and where did she go? A Lived with Coumoney about a year, and then they were afterward married.

D. 1/20/12

G.

C.

Department of the Interior.
Commission to the Five Civilized Tribes.
Zeta, I. T., May 12, 1902.

In the matter of the application of RIDER GOODMONEY ~~for the enrollment of himself~~ for the enrollment and his two children as citizens by blood of the Cherokee Nation.

E. N. WASHBURN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A E. N. Washburn.
Q How old are you? A Thirty-two.
Q What is your post office address? A Ruche.
Q Do you live in Delaware District? A Yes sir.
Q You are one of the witnesses before the Commission at this place?
A Yes sir.
Q Who do you want to enroll? A Rider Goodmoney and his two children.
Q How old is Rider Goodmoney? A About thirty-one.
Q What is his post office address? A Ruche.
Q He lives in Delaware District, A Yes sir.
Q He has no wife living? A No sir.
Q What is the name of his oldest child that is living ~~with him~~?
A Lizzie, they call her Phoebe.
~~Q How old is Phoebe? A About nine.~~
Q What is the name of his next child? A Alonzo.
Q How old is Alonzo? A Five.
Q Is this all the family Rider Goodmoney has? A Yes sir.
Q Is Rider Goodmoney a full blood Cherokee Indian? A Yes sir.
Q Has he always lived in Delaware District? A Yes sir.
Q What is the name of his father? A Goodmoney.
Q Is he living? A No sir.
Q What is the name of Rider's mother?
A That I could not tell. I have been trying to find out. She died right after Rider was born.
Q What is the Cherokee name of Rider Goodmoney? A Taylor Foster.
Q What is the name of the mother of these two children for whom you apply? A Malinda Goodmoney.
Q How long has she been dead? A A little over a year.
Q Was she a white woman? A Yes sir.
Q Do you know about when she was married to Rider Goodmoney?
A About 1892.
Q Do you know that they were lawfully married at that time, according to Cherokee or United States law?
A Not at that time. They were lawfully married in 1894. They lived together a good while, and afterwards were lawfully married.
Q According to Cherokee law? A Yes sir.
Q Do you know whether or not there is a record of that marriage? on file in the office of the Cherokee Nation at Tahlquah?
A Yes sir, there should be. It was turned over to them.
Q Did Rider and his wife Malinda always live together as husband and wife until she died? A Yes sir.
Q Do you know that these two children were born to them while they were so living together? A Yes sir.
Q Had Rider ever been married before he married this white woman, the mother of these two children? A No sir.
Q Had the woman ever been married before? A Yes sir, to a white man.
Q Do you know whether or not her former husband was dead at the time she married Rider? A Yes sir, he was dead, so she said, and her sons said. She has two.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 293, #1901, Taylor Wooster, Delaware District, age 8.

1896 census roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 475, #1302, Rider Goodmoney, Delaware District, age 26.

Page 475, #1303, Lizzie Goodmoney, Delaware District, age 3.

Q The mother of these two children, was she ever married more than once before she married this Rider Goodmoney? A Not to my knowledge
Q Did she ever live with more than one other person as his wife than this Rider Goodmoney? A Yes sir, I suppose, so, she lived with two other persons a short time.
Q For what length of time did she live with these other persons?
Q One about a year, and the other one about three months.
Q Did she have any children by either one of them? A No sir.
Q Did they recognize her as their wife, at the time she lived with them? A Yes sir, I suppose so.
Q They lived in the same house, as man and wife? A Yes sir.
Q They were both Cherokee citizens , were they? Yes sir.
Q What were the names of these two men? A Wooster White and Jim Choctaw.
Q About what time did she live with this Wooster White? A About 1888.
Q Lived with him for about a year? A Yes sir.
Q And then did she quit him and go to living with this man Choctaw?
A Yes sir.
Q About how long did she live with him? A About three months, in 1890.
Q She then quit living with him, and where did she go
A Lived with Goodmoney about a year, and then they were afterward married.
Q They lived together continuously from that time until her death?
A Yes sir.
Q Do you know that these two children, Phoebe and Alonzo Goodmoney, are the children of this woman Malina, and Rider Goodmoney? A Yes
Q Do you know that they were born while Rider and Malinda were living together as husband and wife? A Yes sir.
Q They are both living at this time? A Yes sir.

Rider Goodmoney will be listed for enrollment upon straight card, and his two children, Phoebe and Alonzo Goodmoney will be listedfor enrollment upon doubtful card.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 17 day of May, 1908.

[illegible]

D1313

OF THE INTERIOR
SSION THE RIVERSIDE TIMES
DEC 13 1
JUL 13 1

Testimony of Applicant Taken Under Oath.

Jne 29 4-D14

CHEROKEES BY BLOOD AND ADOPTION.

Date May 12 1906

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Phoebe Goodmon	Dist. Delaware	Year 1896	Page 475	No. 1303	Age 9
Alonzo "	Dist.	Year	Page	No.	Age 5
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

#1 On 1896 Roll as Lizzie Goodmoney

Affidavit of birth to be supplied as to #2.

Certified copy of marriage to be supplied.

X Ref.

MISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 24 1902

[redacted] ACTING SECRETARY

Residence:

Post Office:

CHEROKEE NATION. CHEROKEE ROLL.

Card No.

Field No.

Roll No. | Name | Age | Sex | Name of Mother | Year | Dawes Roll No. | Dawes Roll Page | Dawes Roll District

May 1908

Q Was she married to Rider Goodmoney, according to United States law, or according to Cherokee law? A I don't know, I suppose by the Cherokee law.

Q Do you know whether or not she had a certificate of marriage? A I don't know. They had a certificate of marriage, and it burned when the house burned up.

Q Do you know who married them? A No sir.

Q After she married Rider Goodmoney, did she live with him continuous[illegible] until he died about a year ago? A Could not tell you that.

Q How many children did she have by Rider Goodmoney? A Three, I believe.

Q How many of the children are living now? A [illegible] I believe.

Q Do you know their names? A Lon and Phoebe, [illegible] all. I don't know how [illegible] children [illegible] I never knew, just [illegible] don't [illegible] they are nicknames, whether it's their [illegible] names, [illegible] about it.

Q You never heard of your sister having lived with a Choctaw, a Choctaw Indian, after the death of Worcester White, and before she married Rider Goodmoney? A Not until yesterday and this morning.

Q You don't know anything about that of your own knowledge? A No sir, I don't. I was away from here about six or seven years and two years ago, and last summer I came back here to Vinita. I have been railroading the biggest part of the time, and didn't get a chance to know.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

G.

C. 4-D-14.

Department of the Interior.
Commission to the Five Civilized Tribes.
Eucha, I. T., May 26, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of PHOEBE GOODMONEY and others for the enrollment of themselves as citizens by blood of the Cherokee Nation.

ALBERT LAWHEAD, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Albert Lawhead.
Q How old are you? A Twenty.
Q What is your post office address? A Eucha, I. T.
Q What district do you live in? A Delaware.
Q Do you know Rider Goodmoney? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Malinda.
Q Have they some children? A Yes sir.
Q How many? A Four, two of them are dead.
Q What are the names of those living? A Lon and Phoebe.
Q They are the children of Malinda Goodmoney by her husband, Rider Goodmoney? A Yes sir.
Q Malinda Goodmoney is living with him? A Yes sir.
Q Do you know whether or not she was married to Rider Goodmoney according to law? A Yes sir.
Q She was? A Yes sir.
Q Were you present at the marriage? A Yes sir.
Q You saw them married? A Yes sir.
Q When were they married? A In 1890.
Q Do you know the date of the marriage, the month and date? A I don't recollect what month.
Q Do you know whether or not they have any record of their marriage, any certificate or license? A It was burned up in the house when the house burned up.
Q They secured a license, did they? A Yes sir.
Q Where did they get their license? A Vinita, I Guess.
Q From the United States court at Vinita? A Yes sir.
Q You don't know that they got a license? A Yes sir.
Q Who were they married by? A I can't think of the man's name.
Q Their certificate was burned up in their house? A Yes sir.
Q When? A 1898, I think.
Q Is Malinda Goodmoney your mother? A Yes sir.
Q She was married before she married Rider Goodmoney? A Yes sir.
Q Was her former husband dead before she married Rider Goodmoney? A No.
Q He was not? A No sir.
Q Was she divorced from him? A Yes sir.
Q Do you know whether she has any record of that divorce? A No, I don't know. I don,t recollect whether she has or not.
Q What was the name of her former husband? A Silas Lawhead.
Q Is he still living? A No sir.
Q Do you know where she secured the divorce from him? A No sir.
Q Did she get the divorce, or did he? A He got it, I guess.
Q Where were they living at that time? A At Tiff City, in the Choctaw Nation.
Q Do you know how long it has been since your mother was divorced from Lawhead? A I don't.
Q It was before she married Rider Goodmoney? A Yes sir.

Q About how long before? A About four years, I Guess. . She was married to another Cherokee after that, by the name of Worcester White, and he died.
Q She was married to the Cherokee after she secured the divorce from your father, and before she married Rider Goodmoney? A Yes sir
Q What was his name? A Worcester White.
Q Worcester White died before she married Rider Goodmoney?
A Yes sir.
Q Was Rider Goodmoney ever married before he married your mother?
A No sir.
Q Rider Goodmoney was not? A I think not.
Q Your mother also lived with a man named Jim Choctaw? A Yes sir.
Q Was that after she lived with Worcester White? A Yes sir.
Q She had no children by either Jim Choctaw or Worcester White?
A One by Worcester White.
Q What is that child's name? A Clay.
Q Is it living? A No sir, it is dead.
Q You don't know in what court your father secured his divorce from your mother? A No sir.
Q But they were living in the Seneca Nation? A Yes sir.
Q Near hat place? A Tiff City.
Q Your mother, Malinda Goodmoney, is dead now, is she not? A Yes.
Q How long has she been dead? A A little over a year.
Q Didyou say that after your mother quit living with your father, Silas Lawhead, she lived with one Worcester White? A Yes sir.
Q A Cherokee Indian by blood? A Yes sir.
Q Was she married to Worcester White by a minister of the gospel?
A Yes sir.
Q Do you know about when? A I don't recollect exactly when it was
Q She lived with Worcester White about a year? A About two years.
Q Did he die then? A yes sir.
Q After his death she lived with who? S Jim Choctaw.
Q Was Jim Choctaw a CherokeeIndian by blood? A Yes sir.
Q She was married to Jim Choctaw by a minister of the gospel, was she, I don't recollect?
Q How long after the death of Worcester White was it before she began living with Jim Choctaw? A It was about two years, I guess.
Q How long did she live with Jim Choctaw? A She lived with him about two years.
Q Did he then die? A No sir, he is dead now, but he died after they separated.
Q She left him, or he left her? A She left him.
Q She secured a divorce from him? A Yes sir, I think she did.
Q Do you know in what court she secured that divorce? A No, I don,t.
Q Where do you think it was? A I don't remember.
Q That divorce was secured from Jim Choctaw before she began living with Rider Goodmoney? A Yes sir.
Q This Tiff City that you speak of is neadr Seneca, in the Stave of Missouri? A Yes sir.
Q These are the only times, now, that your mother was married?
A Yes sir.
Q She had one child by Worcester White? A Yes sir.
Q She had no children by Jim Choctaw? A No sir.
Q You know that Rider Goodmoney hadnever been married until he married your mother A Yes sir.
Q These two children, Phoebe and Alonzo were born to your mother while she was living with Rider Goodmoney as his wife? A Yessir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 28th day of May, 1906.

M. Mc Keen

G.

C. 4-D-14.

Department of the Interior.
Commission to the Five Civilized Tribes.
Eucha, I. T., May 31, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of PHOEBE GOODMONEY for the enrollment of herself and others as citizens by blood of the Cherokee Nation.

A. J. DOWNS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A A.J. Downs.
Q How old are you? A Thirty-three next birthday, the 15th of February.
Q What is your post office address? A Spavinaw, I. T.
Q You live in Saline District? A Yes sir.
Q You are a non-citizen of the Cherokee Nation? A Yes sir.
Q Do you know Phoebe and Alonzo Goodmoney, the children of Rider Goodmoney? A I don't know whether I would or not. I never did see them but twice in my life.
Q Do you know the mother of those children? A Yes sir.
Q What was her name before she was married? A Malinda Downs.
Q She was your sister? A Yes sir.
Q She was a white woman? A Yes sir.
Q She is dead now? A Yes sir.
Q How long has she been dead? A Could not tell you that. It has been right close to a year, a little over a year, maybe close to two years. I am not positive.
Q Who isthe first man your sister Malinda Downs ever lived with as his wife? A Silas Lawhead.
Q Was she lawfully married to him? A She was lawfully married to him, but she was not his legal wife. He had a wife living at the time he married her. She was not his legal wife, bedause he had a living wife, and I would not think she could be his legal wife.
Q About when was she married to him? A Could not tell you that. It has been about twenty-two or twenty-three years. age.
Q How long did she live with him, to the best of your knowledge?
A Lived with him about five years, maybe six.
Q They separated, then who was her next husband?
A They separated, then she married a man by the name of Worcester White.
Q Cherokee Indian? A Yes sir.
Q About when was she married to him? A Could not tell you that.
Q Did she live with Worcester White until he died? A Yes sir.
Q About when did he die? A He died about a year or two years after they were married. He died at my father's house. After he had taken bad they brought him there and he died there, that is what they told me. I was there when he took bad sick. I was not right there when he died, but that is what they said.
Q After the death of Worcester White, who did your sister next marry
A Jim Choctaw, I heard, I don't know anything about him. Goodmoney was the next man, the only one I knew.
Q You never knew of her having lived with Jim Choctaw before she began living with Rider Goodmoney? A No sir, I don't know anything about that, only what I heard here yesterday and this morning. That is all I know about it.
Q About when did she first begin living with Rider Goodmoney?
A Could not tell you that.
Q About how many years ago? A I suppose it has been five or six years, somewhere along there, maybe seven or eight. I don't know, it is more than I could tell you. I have been away from there so much myself, railroading, that I never paid much attention to it.

Q Was she married to Rider Goodmoney according to United States law, or according to Cherokee law? A I don't know, I suppose by the Cherokee law.
Q Do you know whether or not she had a certificate of marriage?
A I don't know. They had a certificate of marriage, and it burned when the house burned up.
Q Do you know who married them? A No sir.
Q After she married Rider Goodmoney, did she live with him continuously until he died about a year ago? A Could not tell you that
Q How many children did she have by Rider Goodmoney? A Three, I believe.
Q How many of those children are living now? A Two, I believe.
Q Do you know their names? A Lon and Phoebe, that's all. I don't know how they spell their names, never was around the children, and never knew, just heard their names, that is all. I don't know whether they are nicknames, or whether it is their right names, or anything about it.
Q You never heard of your sister having lived with this Jim Choctaw, a Cherokee Indian, after the death of Worcester White, and before she married Rider Goodmoney? A Not until yesterday and this morning
Q You don't know anything about that of your own knowledge?
A No sir, I don't. I was away from here about six or seven years until two years ago, and last summer I came back here to Vinita. I have been railroading the biggest part of my time, and din't get a chance to know.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedingsin this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 31st day of May, 1908.

M D Green
Notary Public.

Cherokee D1318.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Phoebe and Alonzo Goodmoney as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on May 12, 1902, E. N. Washburn appeared before the Commission at Zena, Indian Territory, and made application for the enrollment, among others, of two minor children, Phoebe and Alonzo Goodmoney, as citizens by blood of the Cherokee Nation. The application also included Rider Goodmoney, but he is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Eucha, Indian Territory, on May 26, 1902 and May 31, 1902.

The evidence shows that the said Phoebe and Alonzo Goodmoney were born since 1880 and are the children of one Rider Goodmoney, a Cherokee by blood, who is identified on the 1880 authenticated roll of the Cherokee Nation.

It further appears that the said Phoebe Goodmoney is identified on the Cherokee census roll of 1896 and that the said Alonzo Goodmoney was born since the making of said roll.

The evidence further shows that Rider Goodmoney, father of the minor applicants herein, has resided in the Cherokee Nation all his life; and it is considered that the said minor applicants have resided with him since their birth.

It is, therefore, the opinion of this Commission that Phoebe Goodmoney and Alonzo Goodmoney should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 1 8 1900

Commissioner.

COPY

Cherokee D-1318

Muskogee, Indian Territory, September 22, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1908, granting the application for the enrollment of Phoebe and Alonzo Goodmoney as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-EV

COPY

Cherokee D-1313

Muskogee, Indian Territory, October 12, 1903.

R. N. Washburn,

Eufaula, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of Phoebe and Alonzo Goodmoney, as citizens by blood of the Cherokee Nation.

Respectfully,

Chairman.

Enc. D-82.

Register.

Cher 10317

Addie Swimmer

Trans. from D1778

Cher 10317

Q What is your name ? A [illegible] Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll [illegible] children and descendants.

Are there any other persons for whom you desire [illegible] application for enrollment ?
A I desire to apply for the following named persons [illegible] Cherokee [illegible] children and descendants [illegible]

Addie Swimmer, page 392, # 1213, Flint District.

R
Cher D 1778

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES [illegible], ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Addie Skinner, page [illegible], # [illegible], Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 21 day of [illegible] 1902.

[illegible]
Notary Public.

H.
Cher.D1778.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 6, 1902.

SUPPLEMENTAL testimony and proceedings in the matter of the application for the enrollment of ADDIE SWIMMER as a citizen by blood of the Cherokee Nation.

LEMUEL S. SAUNDERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Lemuel S. Saunders.
Q How old are you? A Seventy-four the 10th of next May.
Q What is your post office address? A Stilwell, I. T.
Q You are a white man, are you? A Yes sir.
Q A citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Do you know Addie Swimmer, a young woman now about twenty-three years of age? A Yes sir.
Q What is herpost office address? A Stilwell, I. T.
Q Is she a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood does she claim? A She is a full blood.
Q What is the name of her father? A I have always understood that her father's name was Blue Duck? A He was convicted and sent away and he died.
Q Is he living? A He is dead. They turned him out and when he got home he died.
Q Was he a Cerokee by blood? A Yes sir.
Q Full blood? A Yes sir.
Q When did Blue Duck die? A It was six or eight years ago anyway.
Q In what district did he live? A He originally lived in Flint. He lived up here in Saline and Cooweescoowee districts too, but he used to live in Flint District.
Q Was his name Bluford Duck? A That is right.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant's father identified thereon as follows:

No. 430, Bluford Duck, native Cherokee, Flint District, age 20.

Q What is the name of Addie's mother? A Lizzie Swimmer.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q In what district is she living? A She did live in Goingsnake, but moved latterly into Flint.
Q Is Addie Swimmer married? A She is living with Daugherty. I don't know whether he is living or not. I think he is dead now.
Q Has she any children? A She had one, may have had two, she had one about a year ago.
Q Do you know the names of those children? A No sir.
Q Do you know whether Daugherty is the father of those children? A I am pretty certain he is, of course I don't know.
Q In what district did Addie Swimmerlive in 1880? A I don't know that, but I suppose in Flint.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 392, #2218, Addie Swimmer, Flint District, native Cherokee, age 1.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's mother identified thereon as follows:

Page 391, #1217, Lizzie Swimmer, Flint District, native Cherokee, age 19.

1896 census roll of citizens of the Cherokee Nation examined, and applicant not identified thereon.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Addie Swimmer as a citizen by blood of the Cherokee Nation, Cherokee doubtful card, field No. 1778.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 8th day of October, 1902.

John T. Mason
Notary Public.

D 1728

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 11 1903

Chairman.

Notary Public.

My commission expires on the 1st day of May, 1903.

Cherokee D-1778.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, Indian Territory, May 4, 1903.

In the matter of the application of Addie Daugherty for the enrollment of herself and her child, Esther Daugherty, as citizens by blood of the Cherokee Nation.

Sam Daugherty, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Sam Daugherty.
Q How old are you? A Twenty-five.
Q What is your postoffice? A Stilwell.
Q Are you a full-blood Cherokee? A Yes sir.
Q Who is Addie Swimmer? A My wife.
Q Is that your wife? A Yes sir.
Q Is she a full-blood? A Yes sir.
Q How long have you known her? A Ever since she was a little girl.
Q Has she lived in the Cherokee Nation all her life? A Yes.
Q When was she married to you? A About five years.
Q About how old is she, about twenty-four? A I guess so; I don't know how old she is.
Q About the same age as you? A Yes.
Q Have you been living with her for five years? A Yes.
Q You didn't enroll her when you enrolled yourself, did you?
A ~~They weren't home when I enrolled myself.~~
Q She wasn't at home then? A No, she spent about six months down in the bottom.
Q Who with? A Nobody.
Q Living by herself? A She has a grandpa down there.
Q Living with him? A Yes.
Q You haven't been separated? A I live by myself.
Q Where does she live? A We and my wife live together with him.
Q You and your wife live with her grandpa? A Yes.
Q Did a preacher marry you? Did you have any marriage certificate, any license? A No.
Q Did you just take up together? A Yes.
Q Have you any children? A Yes, one.
Q What is its name? A Esther.
Q Esther what? A Esther Daugherty.
Q How old is she? A About ten months old; it was born last June.
Q Were you and your wife living together when that child was born?
A Yes.
Q Been living together ever since? A Yes.
Q You are the father, are you, of Esther Daugherty? A Yes.
Q And Addie is the mother? A Yes.
Q Is that child living now? A Yes.
Q Your wife isn't here to-day is she? A No, she isn't here.
Q She is at home? A Yes.
Q Your wife is a full-blood, is she? A Yes.

S-Addie Dougherty et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to before me this 7th day of May, 1903.

Samuel Foreman,
Notary Public.

In the matter of the application for the enrollment of Addie Swimmer as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

An examination of the tribal rolls of citizens of the Cherokee Nation shows that the applicant herein, Addie Swimmer, is identified thereon as follows:

1880 roll, Page 84, #1490, Flint District, as Nancy Swimmer.

1886 Roll, Page 70, #1433, Flint District, as Nancy Duck.

1890 Roll, Page 67, #1725, Flint District, as Nancy Swimmer.

1894 Roll, Page 580, #1691, Flint District, as Nancy Swimmer.

It is ordered that this statement be filed with and made a part of the record in the matter of the enrollment of Addie Swimmer as a citizen of the Cherokee Nation, Cherokee doubtful card field No. 1778.

Commissioner.

Cherokee D-1778.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 17, 1902.

In the matter of the application for the enrollment of Addie Swimmer as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

An examination of the tribal rolls of citizens of the Cherokee Nation shows that the applicant herein, Addie Swimmer, is identified thereon as follows:

1883 roll, Page 84, #1490, Flint District, as Nancy Swimmer.
1886 Roll, Page 70, #1433, Flint District, as Nancy Duck.
1890 Roll, Page 57, #1324, Flint District, as Nancy Swimmer.
1894 Roll, Page 580, #1691, Flint District, as Nancy Swimmer.

It is ordered that this statement be filed with and made a part of the record in the matter of the enrollment of Addie Swimmer as a citizen of the Cherokee Nation, Cherokee doubtful card field No. 1778.

Commissioner.

CHEROKEE LAND OFFICE 8116-D1778.

20

IN RE

Application for Enrollment of

INFANT CHILD

Esther Dougherty

as a citizen of

Cherokee Nation.

Approved May 15 1903

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1903

CHANCELLOR

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Esther Daugherty, born on the 3rd day of June, 1902
(Here insert name of child.)

Name of Father: Sam Daugherty a citizen of the Cherokee Nation.

Name of Mother: Addie Daugherty a citizen of the Cherokee Nation.

Post Office Stilwell, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Addie Daugherty, on oath state that I am 24 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Sam Daugherty, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on 3rd day of June 1902; that said child has been named Esther Daugherty, and is now living.
(male or female.)

her
Addie x Daugherty
mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
French Scott
John W. Boss

Subscribed and sworn to before me this 9th *day of* May *1903.*

My Commission Expires Nov. 19, 1904.

H. M. Adair
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Caroline Scott, a Midwife, on oath state that I attended on Mrs. Addie Dougherty, wife of Sam Daugherty on the 3rd day of June, 1902; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Esther Dougherty

her
Caroline x Scott
mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
French Scott
John W. Boss

Subscribed and sworn to before me this 9th day of May 1903.

My Commission Expires Nov. 19, 1904.

H. M. Adair
NOTARY PUBLIC

2

Cherokee D 1778.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Addie Daugherty and her minor child, Esther Daugherty, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Addie Daugherty, by the name of Addie Swimmer, as a citizen by blood of the Cherokee Nation. Subsequent to the date of said application a birth affidavit was filed as to her minor child, Esther Daugherty, and the same is made a part of the record herein. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 6, 1902 and May 4, 1903.

The evidence shows that the said Addie Daugherty is a Cherokee by blood and is identified under her maiden name, Addie Swimmer, on the 1880 authenticated Cherokee roll; that she is also identified on other tribal rolls of the Cherokee Nation as follows: upon the 1883 roll; 1890 roll and the 1894 strip payment roll as Nancy Swimmer, and upon the 1886 roll as Nancy Duck. It further appears that the minor applicant, Esther Daugherty, is her daughter, born June 3, 1902, and duly identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Addie Daugherty has resided all her life in the Cherokee Nation and the residence of her said minor child is considered to have been in said Nation since birth.

It is, therefore, the opinion of this Commission that Addie Daugherty and Esther Daugherty should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1903

Commissioner.

Cherokee D-1776.
Cherokee D-1778.

Muskogee, Indian Territory, December 8, 1902.

Lemuel E. Saunders,

Stilwell, Indian Territory.

Dear Sir:

There appear upon the 1880 authenticated roll of citizens of the Cherokee nation the names of Lizzie Swimmer, aged at that time nineteen years, and Addie Swimmer, one year.

You are requested to advise the Commission, if possible, in what district and under what names these persons were enrolled upon the 1896 Census Roll of citizens of the Cherokee Nation.

Respectfully,

Acting Chairman.

Rev.

Copy.

Stilwell, Ind. Ter. 12/16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Ind. T.

Gentlemen:-

The statement as Lizzie Swimmer gave it to me is as follows

She always registered in Flint District, Cherokee N. That she is 42 yrs. of age.

She don't remember whether or not she enrolled on the 1896 roll, but drew her strip money.

The sensus roll of 1896 was taken by Lewis Ice and Ellis Buffington.

Adie, daughter and Levi, son, now aged 19 years, are her children by Blue Duck.

Adie is now the wife of Sam Daugherty.

George Daughterty, father of Akie, now 14 years of age.

She further states that Mary, nine years of age, is the child of Lemuel S. Saunders,

Respectfully submitted,

Lemuel S. Saunders.

Cherokee D-1776.
CherokeeD-1776.

Muskogee, Indian Territory, December 20, 1902.

Lemuel S. Saunders,

Stilwell, Indian Territory.

Dear Sir:

You are requested to advise the Commission whether or not Mary Saunders, your daughter, ever went by the name of Julia or Nora Swimmer. These names appear upon the 1894 Strip payment roll with that of Lizzie Swimmer.

You are also requested to advise the Commission, if possible, in what district George Daugherty, the father of Alice Daugherty, lived in 1880 and 1896, and his present age, if living.

In order to complete the enrollment of Addie Swimmer it will be necessary for her to appear in person before the Commission, at Vinita, Indian Territory, after January 5, 1903. She has been so advised.

Respectfully,

Commissioner in Charge.

Enc.

COPY .

Cherokee D-1776.
Cherokee D-1778.

(No date.)

(In reply to letter to Lemuel S. Saunders, dated Dec. 2, 1902.)

Liza Swimmer all ways lived in Flint or Going Snake Districts. She lived with a man by the name of George Dougherty and had a child by him, and may have been enrolled upon the 1896 roll as Lizzie Dougherty. Addie Swimmer was her child and married a man by the name of Sam Dougherty and all ways lived in Flint or Going Snake Districts. About the time the 1896 roll was made they lived in Goingsnake, I think, I am not certain. I know that they all drawed the Strip money. George Dougherty was killed in Flint District about ten years ago.

Yours,

L. S. Saunders.

I have today seen Lizzie Swimmer. She says she enrolled at all times as Lizzy Swimmer. She sais that she has a son by the name of Levi Duck, nineteen 19 years old, Akie Dougherty 14, Mary Saunders, now in her 9 years. I was present when she drawed her strip money, saw her just after she had received. If this is not sufficient inform me and I will go to Tahlequah and get a correct statement and send it to you.

L. S. S.

Cherokee R-1778.

Muskogee, Indian Territory, December 20, 1902.

Addie Daugherty,

Stilwell, Indian Territory.

Dear Madam:

You are hereby advised that you have been listed for enrollment by this Commission from information, upon doubtful card, under the name of Addie Swimmer, as a citizen by blood of the Cherokee Nation.

In order to complete your enrollment it will be necessary for you to appear before the Commission in person, at Vinita, Indian Territory, after January 5, 1903, and furnish such additional evidence as to your right to enrollment as you may desire to offer.

Respectfully,

Commissioner in Charge.

INDEXED

COMMISSION TO FIVE TRIBES

No.	Received	ANSWERED Book	Page
18464 1903			

Cherokee Land Office,
Tahlequah, I. T.,
July 8, 1903.

Transmits, for consideration, record, with original card, in case of Addie Swimmer or Daugherty, Cherokee D 1778.

CHIEF LAW CLERK

aaa

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

C herokee D-1778.

Tahlequah, Indian Territory, July 8, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment as a Cherokee citizen of Addie Swimmer or Daugherty, Cherokee D-1778, the record is deemed to be complete and the same is herewith transmitted for your consideration, together with the original card.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

1 enc.
EGL.

COPY.

Cherokee D-1778.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Addie and Esther Daugherty, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-18

COPY.

Cherokee D-1778.

Muskogee, Indian Territory, October 12, 1908.

Addie Daugherty,
Stilwell, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1908, granting the application for the enrollment of yourself and your minor child, Esther Daugherty, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-106
Register.

Cher 10318

David Blackbird

Trans. from D2259

Cher 10318

Q What is your age ? A Thirty one years.

Q What is your post office address ? A Claremore, I. T.

[illegible] a citizen by [illegible] Nation [illegible]

[illegible] Yes sir.

[illegible] desire to make applic[illegible] for enrollment [illegible] named persons on the 1896 Chickasaw roll [illegible]

[illegible]

Are you [illegible] desire to make application for enrollment [illegible]

A I desire to apply for the following named persons on the 1880 [illegible]

David Black-bird, page 75[illegible] #[illegible], Tahlequah district, also on 1896 roll, page 2141, #3[illegible], Tishomingo District.

[illegible] that states that, as stenographer to the Commission [illegible] Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereon.

R
Cher D-2259

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

David Black-bird, page 737, #197, Tahlequah district; also on 1896 roll, page 1141, #309, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August 1902.

H G Rentie
Notary Public.

Q Did the mother of David Blackbird die in Tahlequah District?
A Yes, she died there.
Q When died there, David Blackbird's father or mother?
A Both died there.
Q After their death, did anyone else? I don't know whether she died or not.
Q What do you know about this boy's birth date? A Good.
Q Do you hear of anyone else called Duke? A No sir, that is all they ever called him.

[illegible] authenticated roll of citizens of the Cherokee Nation [illegible], and applicant identified thereon as follows:

Page 737, #1287. David Blackbird, Tahlequah District, age 5.

[illegible] census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1111, #309, David Black-bird, Tahlequah District, age 21.

Q How long has David Blackbird been out of the Cherokee Nation?
A I don't know. He has worked around. He was here over a year ago in town here. I saw him last fall. Sometimes I saw him, and sometimes I heard of him up here on the river.
Q Did this boy live with you at one time? A I don't know as he did

---

Wm. Hutchinson, being first duly sworn, states that as stenographer

R.
Cher. D-2259.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of DAVID BLACKBIRD as a citizen by blood of the Cherokee Nation.

STEPHEN SPEARS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Stephen Spears.
Q How old are you? A About sixty-one.
Q What is your post office address? A Tahlequah.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know David Blackbird? A Yes sir.
Q Is he living? A He was living last fall. I saw him at Wagoner. He did live in Tahlequah District, but he is at work somewhere. He was working then in Wagoner.
Q Was he living in the Creek Nation? He said he was working there. I just talked to him, and he said he was working there.
Q David Blackbird is a man now about twenty-seven years of age?
A Yes sir, he is a young man.
Q Is he a Cherokee by blood? A Yes sir his daddy was a full blood, and his mother was a kind of a mixed woman.
Q He would be about three quarters? A Yes sir.
Q What is the name of the father of David Blackbird? A Dave.
Q Is he living? A No sir, he is dead.
Q He was a full blood Cherokee? A I always thought that he was. He talked Cherokee.
Q Did he reside in the Cherokee Nation? A He died in Tahlequah.
Q What is the name of the mother of David Blackbird ?
A Malissa Knight.
Q Her name was Malissa Blackbird at the date of her death?
A Yes sir, she is living yet.
Q Is she a Cherokee by blood? A Always went by that.
Q Does she reside in Tahlequah District? A She lives at Claremore, In Cooweescoowee District.
Q How long have you known David Blackbird? A We went toschool together before the war, the old man?
Q I mean the young man? A I have known him since he was a little fellow.
Q Has he always resided in the Cherokee Nation?
A As far as I know.
Q Has he always been recognized as a citizen of the Cherokee Nation?
A Yes sir.
Q Did he ever go by any other name besides Blackbird?
A Not that I know of. We always called him Tood, sometimes, as a nickname. I don't know of any other name. He may have gone by some other name.
Q The parents of David Blackbird resided in Tahlequah District in 1880? A I don't know whether his mother was or not.
Q Do you think his father died before 1880?
A I don't know. He is not on any of the rolls, unless it is the 1880 roll. It has been sometime since he died. He has been dead a good little bit. I don't think he is on that roll. I gave the wrong name for his mother. Kate Bowlin was his mother. I said Malissa Knight.
Q Is she living? A No, she is dead. It was the girl's mother, and half sisters. Had one daddy, and had two sisters. His mother was named Kate. The girls and him had one daddy. Malissa is the mother of the girls, and Kate is the mother of Dave.

Q Did the mother of David Blackbird die in Tahlequah District?
A Yes, she died there.
Q Which died first, David Blackbird's father or mother?
Q Dave died first.
Q After the death of Dave, did Kate marry anyone else? A I don't know whether she did or not.
Q What do you say this boy's nickname is? A Good.
Q Ever hear of him being called Luke? A No sir, that is all they ever called him.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 737, #197, David Blackbird, Tahlequah District, age 5.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1141, #309, David Black-bird, Tahlequah District, age 21.

Q How long has David Blackbird been out of the Cherokee Nation?
A I don't know. He has worked around. He was here over a year ago, in town here. I saw him last fall. Sometimes I saw him, and sometimes I heard of him out here on the river.
Q Did this boy live with you at one time? A I don't know as he did

---

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 20th day of August, 1908.

John T Moore
Notary Public.

D 22 59

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 14 1903

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, March 21st, 1903.

In the matter of the application of David Blackbird for the enrollment of himself as a citizen by blood of the Cherokee Nation.) Cher. D-2259.

David Blackbird, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Dave Blackbird.
Q. David, is it? A. Yes, sir.
Q. How old are you? A. I will be 28 years old the 3rd day of August.
Q. What is your post offic e? A. My post office is Wagoner now.
Q. Are you a Cherokee by blood? A. Yes, sir; I am.
Q. About three quarters blood? A. Yes, sir.
Q. Have you ever appeared before the Commission before?
A. No, sir.
Q. You have never been before the Commission? A. No, sir; Steve Spear told me he put my name down. I wasn't here. I was working.
Q. You never made application? A. No, sir; they told me it was all right.

It appears from the records that this applicant was listed from information.

Q. Where were you living in 1880? A. Why, I was living in Tahlequah district right where Melvin is.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Have you lived in the Cherokee Nation all your life?
A. Pretty much all my life.
Q. Have you been out? A. Yes, sir; I been railroading.
Q. How much have you been out? A. A year at a time.
Q. When did you first go out? A. About 6 years ago.
Q. Where did you go? A. Went up in Kansas.
Q. How long did you stay? A. About 3 months.
Q. Who were you living with then? A. My mother.
Q. What was her name? A. Katie Blackbird.
Q. Is your mother dead? A. Yes, sir.
Q. When did she die? A. 6 or 7 years.
Q. When you were up in Kansas? A. No, sir; just after I was there. She wrote she was sick and I came home.
Q. Where did you go the next time? A. Went out, with Thomas Gillen, in Oklahoma.
Q. Was he an Indian? A. His wife.
Q. What did you go there for? A. I went out with him with some cattle.
Q. When was that? A. About 4 years ago.
Q. How long did you stay in Oklahoma? A. About two months.
Q. Then came back? A. Yes, sir.
Q. Then where did you go? A. Went to Gibson 3 years ago with some cattle and fed cattle there.

Q. How long did you stay? A. About 2 months.
Q. Then came back to the Nation? A. Yes, sir.
Q. Then where did you go? A. Went out about two years ago.
Q. Where? A. Went to Muskogee to work on the Rock Island railroad.
Q. How long did you stay there? A. Two months.
Q. Is that the last time? A. No, sir; I went to California working on the railroad. I been here now a year, working on the railroad; Rock Island and Frisco.
Q. Were you ever out more than four months at a time?
A. Three or four months. I wasn't out of the Territory.
Q. Who did you make your home with? A. Tom Johnson.
Q. Who is Tom Johnson? A. He is an old fellow that lives in Tahlequah district between Wagoner and Tahlequah.
Q. Is he a Cherokee? A. Why, his wife.
Q. Is he any relation to you? A. No, I just stayed there and worked.
Q. That would be your home? A. Yes, sir.
Q. Why didn't you appear before the Commission and make application? A. I wasn't here when they was enrolling at Tahlequah and when I come to Muskogee to enroll two years ago they told me it was too late. Charley Clark, he is my uncle, half uncle, he told me that he would see I was on the roll all right.
Q. Did you draw strip money in 1894? A. Yes, sir.
Q. Drew it yourself? A. Yes, sir.
Q. What district? A. Tahlequah districy.
Q. What is your father's name? A. Dave Blackbird.
Q. He is dead? A. Yes, sir.
Q. When did he die? A. Died in '77.
Q. Are you married? A. No, sir.
Q Never have been married? A. No, sir.
Q. You have no children, then? A. No, sir.
Q. Who are you living with at Wagoner? A. I stay with Frank Fields when I am there.
Q. Who is he? A. Why, he claims to be a Cherokee but he never did prove up. His wife is a Creek.
Q. Have you any allotment selected? A. No, sir. I can find one, I think. I come to get a number.

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 13th day of May, 1908.

Samuel Freeman

Notary Public.

Q. How long did you stay? A. About 2 months.
Q. Then came back to the Nation? A. Yes, sir.
Q. Then where did you go? A. Went out about two years ago.
Q. Where? A. Went to Muskogee to work on the Rock Island railroad.
Q. How long did you stay there? A. Two months.
Q. Is that the last time? A. No, sir; I went to California working on the railroad. I been here now a year, working on the railroad; Rock Island and Frisco.
Q. Were you ever out more than four months at a time?
A. Three or four months. I wasn't out of the Territory.
Q. Who did you make your home with? A. Tom Johnson.
Q. Who is Tom Johnson? A. He is an old fellow that lives in Tahlequah district between Wagoner and Tahlequah.
Q. Is he a Cherokee? A. Why, his wife.
Q. Is he any relation to you? A. No, I just stayed there and worked.
Q. That would be your home? A. Yes, sir.
Q. Why didn't you appear before the Commission and make application? A. I wasn't here when they was enrolling at Tahlequah and when I come to Muskogee to enroll two years ago they told me it was too late. Charley Clark, he is my uncle, half uncle, he told me that he would see I was on the roll all right.
Q. Did you draw strip money in 1894? A. Yes, sir.
Q. Drew it yourself? A. Yes, sir.
~~Q. What district? A. Tahlequah district.~~
Q. What is your father's name? A. Dave Blackbird.
Q. He is dead? A. Yes, sir.
Q. When did he die? A. Died in '77.
Q. Are you married? A. No, sir.
Q Never have been married? A. No, sir.
Q. You have no children, then? A. No, sir.
Q. Who are you living with at Wagoner? A. I stay with Frank Fields when I am there.
Q. Who is he? A. Why, he claims to be a Cherokee but he never did prove up. His wife is a Creek.
Q. Have you any allotment selected? A. No, sir. I can find one, I think. I come to get a number.

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 15th day of May, 1903.

Samuel Foreman
Notary Public.

Cherokee D 2259.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David Black-bird as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of David Black-bird as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 15, 1902 and at Vinita, Indian Territory, March 21, 1903, on which latter date the applicant appeared in person and testified in said case.

~~The evidence shows that the applicant, David Black-bird, is~~ a Cherokee by blood and is identified on the 1880 authenticated Cherokee roll and on the 1896 Cherokee census roll. The evidence further shows that the applicant, though temporarily absent at different times, has always been a resident of the Cherokee Nation.

It is, therefore, the opinion of this Commission that David Blackbird should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 [illegible]

COPY.

Cherokee D-2259

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of David Blackbird as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-16

7109

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2259.

Muskogee, Indian Territory, October 12, 1903.

David Black-bird,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Chairman.

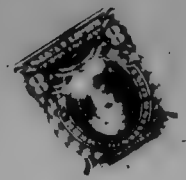
Enc. D-84
Register.

Department of the Interior.

MUSKOGEE INDIAN TERR

OFFICIAL BUSINESS

Penalty for private use, $300



Cher 10319

Sam Houston Prather

Trans from D16

Cher 10319

JUL 15 2000
ENROLLED
FIVE CIVILIZED TRIBES
FILED ON THE INDIAN

purposes here considered, the marriage which took place.

Brown McDonald

Brown McDonald, being sworn by Commissioner Breckenridge, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 18th day of July, 1900, at Fairland, I.T.

Clifton R. Breckenridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FAIRLAND, I.T. JULY 21, 1900.

In the matter of the application of Lemora Prather of Ala., for enrollment as citizens of the Cherokee Nation, said Prather being sworn by Commissioner Breckenridge, testified as follows:

Q What is your name? A Lemora Prather.
Q Your age, please? A 36.
Q Your postoffice address? A Grove.
Q What is your district? A Delaware.
Q Is that your permanent home? A Yes.
Q How long have you lived there? A Since January.
Q Where did you live before that? A Cowskin prairie.
Q How long did you live there? A Part of the time for the past three years.
Q Where were you born? A In Arkansas.
Q When did you move to the Territory? A About three years ago. This is my home but I don't stay they all the time.
Q You do not stay in Arkansas all the time? A On Cowskin prairie.
Q How long have you been identified with this Indian Territory? A I married in '92.
Q Do you claim as a Cherokee by blood? A No sir.
Q You married a Cherokee? A Yes.
Q When did you marry? A In '92.
Q Is your husband living? A No sir.
Q Have you your certificate of marriage? A No sir.
Q What proof have you here to make claim for citizenship? A There are parties here that can identify me.
Q Are you on any of the rolls of the Cherokee Nation? A I am on the 1896 roll.
Q Married in '92? A Yes.
Q You haven't got your certificate of marriage? A No sir
Q Your husband is dead? A Yes.
Q Where have you lived since '92? A Part of the time I lived in Missouri.
Q When did your husband die? A In January, 1896.
Q Where did you live between '92 and 96? A Part of the time on Cowskin prairie and part of the time in Missouri.
Q Where did you live the greater part of the time? A Cowskin prairie.
Q Your husband died in January, 1896? A Yes.
Q Where have you lived since then? A On Cowskin prairie most of the time.

She is identified on the roll of '96 as Lemma Prather, aged at that time 22 years, page 336, number 418.

Q What was your husband's name? A Richard L. Prather.
Q You say he was a Cherokee? A Yes.
Q Was your husband on the roll of 1880? A I suppose so.
Q What evidence have you that your husband was a citizen of the Cherokee nation? A He has been a citizen for the last 20 years or more about.
Q Have you any certificate of adoption? A No sir, I suppose his father has.
Q Where is his father? A In Texas, Robert Prather.
Q When did he (her husband) die? A Southwest City, Mo. He was killed there.
Q Is your husband's father still living? A Yes. He is living in Texas.
Q What is the name of your husband's father? A Robert Prather.
Q Is there any Richard L. Prather, Sr.? A Yes.
Q Was your husband known as Richard L. Prather, Sr. or Jr.? A Sr. He was 22 years old.
Q Have you any [illegible]? A No sir.
Q [illegible], Jr., enrolled on the roll of '96, page [illegible]

(72)

Q You understand that to be your husband or your son? A My step-son.
Q You do not recognize that as the entry of your husband's name, but the entry of your step-son? A Yes.
Q Your husband's name was Robert L. Prather? A Yes.
Q Do you know of any other Robert L. Prather except your husband and son? A No sir.
Q There are two Robert Prathers shown by the roll of '94, one is Robert Richard M. Prather and the other is Richard L. Prather, Jr. ? A Richard Prather is my husband.
Q You claim that Richard Prather is the enrollmen' of your husband. There is one Richard L. Prather Jr., you have to claim one of these as your husband? A I claim Richard Prather is my husband.
Q Do you know any other Richard Prather besides these two? A No sir.
Q One of whom you think is your husband and the other your step-son? A Yes.

By Mr. Hastings, Cherokee attorney:
Q Robert L. Prather married prior to your marriage to him? A Yes.
Q To whom do you know? A He married Miss Rogers first.
Q What became of Miss Rogers? A She died.
Q He married the second time? A Yes.
Q Whom? A A Miss Carr.
Q Where is his second wife? A She is living-- she is Mrs. Weir.
Q When did he separate from his second wife? A I don't know-- it has been about 11 or 12 years ago.
Q And he separated from his second wife at the time you married him? A Certainly.
Q How long before your marriage had he separated from his second wife? A About 8 years I suppose.
Q And he ever secured a divorce from his second wife prior to your marriage? A Yes.
Q When was that divorce granted, if you know? A I don't remember, it was in Vinita.
Q Do you know whether or not he lived with her after this divorce was granted? A No sir, he did not.
Q Do you know where that divorce was obtained? A Vinita.
Q Before what court? A No sir, I don't know. It must have been before Mr. Mosley Bell at Vinita.
Q There was no court there? A It might Commissioner at not have been at Vinita then. I don't know much about that part of it.

By the Commission:
Q How do you know he obtained a divorce.? A He told me so.
Q You did not see the divorce? A No sir, I did not see it. She married about the same time he did.
Q Did you know her? A Yes.
Q Do you know her to be married? A Yes, she had three children.
Q You just have full confidence and belief in the divorce, you have no legal evidence of it? A No sir, I have no legal evidence of it.
Q Cannot you secure a copy of the decree of divorce? A I suppose I can.
Q And a copy of your marriage license and certificate? A Yes, I think so.
Q When was your marriage license issued and that of your husband? A Otherwise in '98.
Q Did your husband claim to be a Cherokee by blood? A Yes sir.
Q What was his father's name? A Robert Prather.
Q Is he on the roll of 1880? A I suppose they were all on the roll.

(3)

Q How long did you live in Southwest City, Mo., A I didn't live there very much-- my home was on Cowskin prairie.
Q How long have you been living in Southwest City, Mo? A About a year.
Q Where did you marry? A Claremore.
Q How long did you live in Claremore after you married? A I went straight home.
Q Where was your home then ? A Southwest City, Mo.
Q And you livedthere how long? A A little while and then I went to Cowskin prairie to the farm.
Q Where were you living at the time your husband was killed? A Southwest City, Mo.
Q And have lived there continuously since then? A No sir, I have lived on Cowskin prairie half of the time.
Q When did you move the last time back to the Cherokee Nation? A January, 1900.
Q Immediately before January, 1900, how long had you lived in South West City? A About a year.
Q So you moved backwards and forwards from the farm to Southwest City? Do you know where you were living in '98, three years ago? A I guess I was at the farm on Cowskin prairie.
Q Did your husband have a home in Missouri? A yes, he had a house and lot.
Q You were married in what year? A '92.
Q You and he lived mostly in Missouri after your marriage? A No sir, we stayed in Missouri awhile and on the farm awhile.
Q Have you any property in Missouri? A No sir.
Q Is all your property in this Territory and in this District? A yes, I have a house and lot in Grove.
Q Have you any home outside of the Territory? A No sir.
Q Have you had for the last 5, 6 or 7 years? A I don't call it home.
Q How far is Southwest City from the Territory line? A between 7 and 8 miles.
Q And how far from the farm? A Between 7 and 8 miles.
Q Mrs. Prather, have you any children? A Two.
Q And you want to apply for them? A Yes.
Q What ages are these children? A Between 5 and 6.
Q Please give their names now, the oldes first? A Sam Houston, past 6 years old. (This child is identified on the roll of 1896 as Samuel H. Prather, page 514, number 2348. This child is also identified on the roll of 1894, page 448, number 2211.)
Q Your next child? A Maggie, 5 years old. (This child is recognized on the '96 roll page 514, number 2349.)

This case will be put upon the doubtful list, and Mrs. Prather you need, as far as we are prepared to speak at this time, to get evidence,first of the divorce of your husband from his former wife. You can doubtless find where that divorce was granted and get a certified copy of the decree. When you get that certified copy of the decree you should forward it to this Commission through the mail at Muskogee, I.T. Then you need to make inquiry as to when and how your husband became a citizen of the Cherokee Nation. There seems to be an impression that he received a certificate of citizenship from the Cherokee Council. Your husband's father is living and you can doubtless learn how he acquired his citizenship. And you need then to furnish the Commission with an official copy of that, your evidence exists of that character. It seems to be quite well settlerth that your property is in this Nation, and that your home has been simply across the line, that you go back and forth as is frequently the case, and your husband being upon the roll to the extent that he is given the Commission jurisdiction. But it does not decide the matter necessarily in his favor; you must, therefore, be give us evidence of his citizenship and evidence of his divorce, which is necessary to land-

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Joe, for purposes here considered, the marriage which took place.

Brown McDonald

Brown McDonald, being sworn by Commissioner Brackenridge, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 18th day of July, 1898, at Fairland, I.T.

Clifton R. Breckinridge

Commissioner.

B- A/16

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 11 1900

ATTY. CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

32 #

Date July 11 1900.

Name Lena Prather, Grove, I.T.

District Delaware Year 1896 Page 585 No. 418

Citizen by blood Mother's citizenship U.S.

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Sam Houston Prather	Dist. Delaware	Year 1896	Page 514	No. 2348	Age 6
Maggie Prather	Dist. Delaware	Year 1896	Page 514	No. 2349	Age 5
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

See 1896 Roll, as Lena Prather
" 1894 Roll, page 445 " " Samuel H Prather, also No 2211

Card 916

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B NEEDLES,
C R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, September 20th, 1900.

Received of Commission to the Five Civilized Tribes one copy of the testimony in the case of Lenora Prather and others against the Cherokee Nation.

Josiah J. Davis
Atty. at Law

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 10 1902

To be filed in D 16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF John Parks, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Parks.
Q What is your age? A Forty six.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Margaret J. Parks.
Q What was her name before you married her? A Margaret J. Praither.
Q Have you any certificate of marriage? A Yes, sir.

The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to one Nollie E. Prather, a Cherokee citizen, on the 20th day of September, 1871.

Q Is the Nollie E. Prather mentioned in this certificate the Margaret E. Parks whom you now claim to be your wife? A Yes, sir.
(1896 Roll, Page 585, #438, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2417, Margaret J. Parks, Delaware D,st)
Q What are the names of your children under age and unmarried?
A John Parks.
Q Has he any middle name? A No, sir.
Q How old is he? A Nineteen years old.
Q Next one? A Ora Ada Parks.
Q How old is she? A Fifteen.
Q Next one? A. Owen B.
Q How old is he? A Nine.
Q Next? A That is all.
Q Are these children living and living with you now? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Twenty eight years.
Q Have you been living with your wife continuously since you married her? A Yes sir.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
(1896 Roll, Page 517, #2421, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2422, Cora Ada Parks, Delaware D'st)
(1896 Roll, Page 517, #2423, Owen Bell Parks, Delaware D'st)

The names of John Parks, and his wife, Margaret J. Parks, appear upon the census roll of 1896; Applicant also presents a certificate of admission, certifying that his wife, Margaret J. Parks, was admitted to citizenship on the 18th day of July, 1886, said certificate being signed by W. P. Boudinot, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation. He also presents satisfactory proof, by certificate issued from the Office of the Commission on Citizenship, June 27th, 1887, signed by W. H. Gallager, Assistant Executive Secretary, under the seal of the Nation, certifying that his wife, Margaret J. Parks, was declared a citizen on the 19th day of December, 1870, said certificate being signed by J. T. Adair, Chairman, D. W. Lipe and E. C. Barnes, Commissioners, under the seal of the Cherokee Nation.

The name of John Parks, being found upon the census roll of 1896, as well as the name of his wife, Margaret J., and he producing satisfactory proof of marriage to his wife, in the year 1871, her maiden name being Margaret Prather; and the names of his children, John, Ora Ada and Owen B. appearing upon the census roll of 1896; they all being duly identified and having made satisfactory proof both as to their citizenship and their residence, the said John Parks will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Margaret J. Parks, and his children, John, Ora Ada and Owen B. as Cherokee citizens by blood.

For more particular proof as to the citizenship of his wife, see the testimony in the case of his wife's mother, Caroline C. Prather, who was enrolled this day on Card #6014.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me this 7th day of October, 1900.

C. B. Breckinridge,

Commissioner.

Reita Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

R. Chick

Subscribed and swern to before me this 7th day of July, 1902.

(Seal)

Philip Rutin

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Caroline C. Prather and husband for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Caroline C. Prather.
Q. How old are you? A Sixty eight.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A Yes sir.
Q Do you want to enroll any one but yourself? A Yes sir; my husband.
Q Is he not here? A No sir; he is sick in bed.
Q What is his name? A Robert A. Prather.
Q White man? A Yes sir.
Q How long have you been married to him? A Thirty three or thirty four years.
Q How old is your husband? A He is seventy three. Will be next May.

(1896 Roll, Page 517, #2416, Edath C. Prather, Delaware D'st)
(1896 Roll, Page 585, # 420, Robert A. Prather, Delaware D'st)

Q How long have you lived in the Cherokee Nation? A About thirty five years.
Q Right along; continuously? A Yes sir., never lived out.

The applicant presents a certified copy, issued from the Executive Department of the Cherokee Nation, July 13th, 1886, said certificate being singed by W. P. Boudenot, Executive Secretary, under the seal of the Nation, certifying that Caroline C. Prather and family were admitted to citizenship.
Afterwards, a certificate is presented, certifying that the said Caroline C. Prather and family were summoned to appear before the Commission to try and determine applications for citizenship, and show cause why their admission was not obtained by fraud.
Said applicants did appear before the Commission, on the 27th of June, 1887; the case was investigated, and the following verdict was rendered: "We, the Commission on Citizenship, fail to find that fraud or bribery has been resorted to by the said Prathers in obtaining their citizenship in the Cherokee Nation, on December 19th, 1870. We find for the defendents in this case." Signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, certified to by William M. Gulliger, Assistant Executive Secretary, under the seal of the Nation.
It appears that because said charge of fraud, the names of the applicants were not placed on the authenticated roll of 1880. Their names are found upon the census roll of 1896, according to the page and number of the rolls as indicated in the testimony. The applicant avers under oath that she was married to one, Robert A. Prather, about the year 1873, according to the laws of the Cherokee Nation, and that she has lived with him continuously ever since. Proof being satisfactory as to the citizenship of the said Caroline C. Prather, and Robert A. Prather, her husband, she will be duly listed for enrollment as a Cherokee citizen by blood, and the said Robert A. Prather as a citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(SIGNED) R. R. Cravens.

Sworn to and subscribed before
me this 7th day of October, 1900.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 22, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch.

Subscribed and sworn to before me this 22" day of July, 1903.

Edward Merrick.
Notary Public.

Cherokee 4014.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood of the Cherokee Nation.

Preston S. Davis, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Preston S. Davis.
Q What is your age? A Thirty-two years old this coming November.
Q Are you acquainted with Robert? A. Prather? A Yes sir.
Q How long have you known him? A I have known him since 1883.
Q What is his wife's name? A Caroline.
Q Has Robert A. Prather and his wife, Catherine, lived together all the time since you have known them as husband and wife? A Yes sir, both living and living together now as husband and wife.
Q Living together on the first day of September, 1902? A Yes sir.
Q Never have separated? A No sir, never have separated.
Q Do you know whether Robert A. Prather was married to his wife, Catherine C., under a Cherokee license? A He was, and applied to the Cherokee citizenship Commission and was duly admitted before that Commission and the record of the same is on file in his application before this Commission.
Q Has his marriage license been filed? A Yes sir; and also has his admission to citizenship before the Cherokee Commission been filed.
Q Where has Robert A. Prather and his wife, Catherine C. lived for the last eight years? A Vinita.
Q Cherokee Nation? A Yes sir, living there now.
Q Is there any other statement you wish to make? A No sir, I believe not.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(SIGNED) E. G. Rothenberger.

Subscribed and sworn to before me this 4th day of October, 1902.

(SEAL)

(SIGNED) B. C. Jones,
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 22, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch.

Subscribed and sworn to before me this 22 day of July, 1903.

Howard Morrison
Notary Public.

Cherokee 4014.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 30, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

L. S. Robinson, being sworn, testified as follows:

By the Commission:

Q What is your name? A Robinson; L. S. Robinson.
Q How old are you? A I am fifty-one years old.
Q What is your postoffice address? A Big Cabin.
Q You appear for the purpose of giving some testimony in the matter of the application of Robert A. Prather and his wife? A I suppose just himself.
Q Well, it is both of them. The matter of his application for both?
A Yes, sir.
Q What is the reason Robert A. Prather is not before the Commission?
A Dr. Clinkscales says an abscess on his lungs.
Q Is Dr. Clinkscales the attending physician? A Yes, sir.
Q Is Mr. Prather confined to the house? A Nearly all the time.
Q Is he a very old man? A Yes, sir, close to eighty years old, I think. He is between seventy-five and eighty.
Q How long have you known Robert A. Prather? A Well, I guess I have known him for eight years.
Q Eight years? A Yes, sir, I married his daughter seven years ago.
Q Known him since then? A Yes, sir.
Q Has Robert A. Prather and his wife, Caroline, lived together since you have known them as husband and wife? A Yes, sir.
Q They never have been separated? A No, sir.
Q They were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q And both living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation for the last eight years?
A I expect for the last forty.
Q Well, so far as you know? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Retta Chick.

Subscribed and sworn to before me this 9th day of December, 1902.

(SIGNED) F. G. Reuter.
Notary Public.

(SEAL)

Cherokee 4611.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 22, 1908.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 22 day of July, 1908.

Edward Merrick
Notary Public.

No. N16

In Re Tamora Porter & children.

Certified Copy of Marriage License of Wesley R. Tennis to Sarah E. Ford.

Certified Copy of Decree of Divorce of said parties.

Extract from S.O.O.S. Lodge No. 46 Ozark. Ark. Record of Porter or Wesley R. Tennis.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900

Preston S. Davis,
Attorney for
Tamora Porter & Children

State of Illinois }
County of [illegible] }

[illegible] Clerk of the County [illegible] and for the County and State aforesaid do hereby certify that the above and foregoing is a true and [illegible] copy of the original [illegible] Book [illegible] Book [illegible] and [illegible] in my office [illegible] page [illegible]

In Witness whereof I have hereunto set my hand and affixed the seal of said [illegible] this 18th day of September 1900

D. McKinney
County Clerk

Marriage License

State of Arkansas }
County of Franklin }

To any person authorized by law to solemnize Marriage:

You are hereby commanded to solemnize the rites and perform the bans of Matrimony between Wesley R. Jennis aged 25 years and Sarah E. Foot aged 19 years according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand & official seal this 14th day of June 1878.

(L.S.) W. H. Ross County Clerk

By George Spencer D.C.

State of Arkansas }
County of Franklin }

I J. L. McLaughlin do hereby certify that on the 16th day of June A.D. 1878 I did in a lawful manner, as commanded in the foregoing license, solemnize the rites and perform the bans of matrimony between the parties therein named.

Witness my hand this 16th day of June 1878

James L. McLaughlin J.P.

Filed for record, 25th and recorded July 27th 1878.

W. H. Ross Clerk

By George Spencer D.C.

Sarah E. Lewis, Plaintiff
187 Complaint for Divorce
Healey R. Lewis,

Now on this day this cause came on to be heard upon the complaint therein proofs herein adduced, and the report of the attorney for the non resident defendant, Healey R. Lewis and the court having the same under consideration and being fully advised relative thereto doth find the issue in favor of the plaintiff It is therefore ordered, adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff and defendant, be and the same are hereby dissolved, annulled and held for naught and set aside, and the plaintiff be restored to all rights and privileges of a single person. And it is further ordered that the plaintiff pay all costs in this action

State of Arkansas }
County of Franklin }

I, John E. Bryant clerk of the circuit court within and for the county aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the decree in the above entitled cause rendered

on the 1st day of June, 1888, the Franklin Circuit Court for the Eastern District thereof at the June term, 1888, as it now appears of Record in my office in Chancery Record "C" at Page 149.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at office this the 17th day of September, 1900.

John E Bryan,
Circuit Clerk
By Chas W Bell D. C.

Visited Seneca Lodge
255 Mo 17th Apr 1884
Ben Hamilton
Sec

TO ALL WHOM IT MAY CONCERN

This Certifies

that Richard Lewis [illegible] who has attained the Third degree and whose name is written on the margin of this card in his own proper hand writing is a member in good standing of Clark Lodge No 49 held in Clark [illegible] and working under a Charter duly granted by authority of the Right Worthy Grand Lodge of The State of Ohio

That the Constitution and By-Laws of our Lodge allow per weekly benefits the sum of Three dollars per week and for funeral benefits the sum of Thirty dollars and that Brother Richard L Brother is entitled to the said benefits from the date of this card and until the expiration of the same

We therefore recommend him to your **FRIENDSHIP** and **PROTECTION**, and admission into all regular working Lodges of **ODD FELLOWS** for the space of 12 months from this date, and no longer

In Witness whereof We have subscribed our names and affixed the Seal of our Lodge this [illegible] day of June in the Year of our Lord One thousand Eight Hundred and 83

R. T. Hiscock Secy Pro

C. W. Conrad N.G.

Geo. H. Lyle Secy

Richard Lewis Trustee

FRIENDSHIP, LOVE, TRUTH.

TEACH AND EDUCATE THE ORPHAN WE COMMAND YOU TO DO THIS

D16

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 12 1901

Supl.-C.D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Lenora Prather, et al., as Cherokee citizens:

APPEARANCES:
MR. P.C.Davis, Attorney for Applicants;
Mr. W.W.Hastings, Attorney for Cherokee Nation.

Commissioner Needles: Applicant by Mr. Davis, Attorney, comes and files proof of divorce between Hattie A. Prather and Richard L. Prather, and asks that reference be made to the testimony taken in the matter of the application of Robert A. Prather, et al, on straight card #4014, as to the citizenship of Richard L. Prather.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 8th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1901

SUPPLEMENTAL: Cherokee, D-16.

TESTIMONY ON THE PART OF THE APPLICANT:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., Oct. 9, 1901.

In the matterof the application of Lenora Prather et al, for enrollment as Cherokee Freedmen.

Appearances:
Preston S. Davis, attorney for applicant;
J. L. Baugh, of Representatives of Cherokee Nation.

LENORA PRATHER, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVIS:

Q What is your name? A Lenora Prather.
Q What is your age? A 33.
Q Your post-office address? A Grove, Indian Territory.
Q The district in which you live? A Delaware.
Q What was your husband's name? A Richard L. Prather.
Q What was his father's name? A Robert A. Prather.
Q What was his mother's name? A Caroline Prather.
Q Where were you married to your husband? A Claremore.
Q When? A November 20th, 1892.
Q Did he procure a license for this marriage? A Yes sir.
Q Where? A Claremore.
Q From whom? A The clerk, Joe Lahay.
Q Clerk of what district? A Cooweescoowee.
Q Did you ever see this license? A Yes sir.
Q Were they in the possession of your husband after your marriage? A Yes sir.
Q Were you ever able to find them after his death? A No sir.
Q Have you had any search made of the marriage records of Cooweescoowee District of late to find these, that record? A Yes sir.
Q Were you able to find it? A No sir.
Q Did you ever read those licenses? A I have.
Q You have readit? A Yes sir.
Q And you said that he had the license in his possession? A Yes sir.
Q You were married in Claremore? A Yes sir.
Q You remember any one that waspresent at that marriage? A My parents.
Q What is your father's name? A N. S. Jackson.
Q What is your mother's name? A M. S. Jackson.
Q Your father N. S. and your mother M. S.? A Yes sir.
Q Where do they live now? A In Texas.
Q You know what county? A Stonewall I think that is it, I don't just remember.
Q Are they old people? A Yes sir.
Q I wish you would examine this? A (Hands applicant paper.)
Q What are those papers? A Affidavits.
Q Affidavit of your father and of your mother, in regard to this marriage? A Yes sir.

MR. DAVIS: We would like to offer these, if your Honor please, these people are old and live down in the State of Texas. They seem to be in proper form.

MR. BAUGH: We will have to object to the accepting of the affidavits.

COMMR NEEDLES: As I have told you, Mr. Davis, it is not the custom or the rules of the Commission to accept affidavits at this time, and their acceptance is objected to by the Representatives of the Cherokee Nation. I think the marriage-

MR. DAVIS: I simply offered them for what they are worth. The people are old; they seem to be in very moderate circumstances. I shall follow it up with the proof of common law marriage. She was married at home, and it was a quiet wedding.

[illegible] At [illegible] house were [illegible] for [illegible].

[illegible] Your father's house [illegible]

[illegible] MEADI IS [illegible] the

[illegible] the [illegible] the [illegible] the [illegible] and [illegible] is a [illegible] temporary [illegible] the roof.

[illegible]

[illegible]

Commissioner.

Lenora Prather et al X

COM'R HEADLEE: Affidavits will be filed for what they are worth, but the Commission will not accept them at this time as testimony.

BY MR. DAVIS:

Q You were married under that license that your husband procured at Claremore? A Yes sir.

Q At whose home were you married? A My father's.

Q Your father's home? A Yes sir.

COMMISSIONER HEADLEE: This testimony will be filed with the papers in the case.

---oooo---

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcri t ofhis s tenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this October 10th, 1931.

Commissioner.

(Signed) R. R. Cravens.

1900.

(Signed) [illegible] Breckinridge,
Commissioner.

J. O. Posson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Posson

Subscribed and sworn to before me this October 11th, 1901.

[illegible]

File with Cher. D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3rd, 1900.

In the matter of the application of Caroline C. Prather and husband for enrollment as citizens of the Cherokee Nation, and she being sworn and examinedby Commissioner T. B. Needles, testified as follows:

Q what is your name? A Caroline C. Prather.
Q How old are you? A Sixty-eight.
Q What is your postoffi ce? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A Yes, sir
Q Do you want to enroll any one byt yourself? A Yes, sir; my husband.
Q Is he not here? A No, sir; he is sick in bed.
Q what is his name? A Robert A. Prather.
Q White man? A Yes, sir.
Q How long have you been married to him? A Thirty three or thirty four years.
Q How old is your husband? A He is seventy three. Will be next May.

(1896 roll, page 517, #2416, Edath C. Prather, Delaware D8st)
(1896 Roll, page 585, #420, Robert A. Prather, Delaware D'st)

Q How long have you lived in the Cherokee Nation? A About thirty five years.
Q Right along; continuously? A Yes, sir, never lived out.

The applicant presents a certified copy, issued from the Executive Department of the Cherokee Nation, July 13th, 1886, said certificate being signed by W. P. Boudenot, Executive Secretary, under the seal of the nation, certifying that Caroline C. Prather and family were admitted to citizenship.

Afterwards a certified is presented, certifying that the said Caroline C. Prather and family were summoned to appear before the Commission to try and determine applications for citizenship and show cause why their admission was not obtained by fraud.

Said applicants did appear before the Commission on the 27th of June, 1887; the case was investigated and the following verdict was rendered: "We, the Commission on Citizenship, fail to find that fraud or briberty has been resorted to by the said Prathers in obtaining their citizenship in the Cherokee Nation, on December 19th, 1870. We find for the defendants in this case." Signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, certified to by William M. Gulliger, Assistant Executive Secretary, under the seal of the Nation.

It appears that because said charge of fraud, the names of the applicants were not placed on the authenticated roll of 1880. Their names are found upon the census roll of 1896, according to the page and number of the rolls as indicated in the testimony. The applicant avers under oath that she was married to one Robert A. Prather about the year 1873, according to the laws of the Cherokee Nation, and that she has lived with him continuously ever since. Proof being made satisfactory as to the citizenship of the said Caroline C. Prather and Robert A. Prather, her husband, she will be duly listed for enrollment as a Cherokee citizen by blood, and the said Robert A. Prather as a citizen by intermarriage.

C.B. #16.—2.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Craven.

Sworn to and subscribed before me this 7th day of October, 1900.

(Signed) C. R. Breckinridge,
Commissioner.

---- soo000ooo----

J. C. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in t his case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J C Rossen

Subscribed and sworn to before me this October 11th, 1901.

Commissioner.

PRESTON S. DAVIS, being duly sworn by Commissioner [illegible], testified as follows in behalf of the applicants:

Mr. Davis: I desire to state [illegible] papers mentioned in the testimony [illegible] were turned over to me as attorney [illegible], the wife of Richard [illegible] Prather, and certified copies of the same were [illegible] me, that the certified copies of said papers, certified to me as a Notary Public, are now [illegible] and that said papers show upon their face that Richard [illegible] was married at the time his mother, Caroline C. Pr[illegible] married to [illegible] in the Cherokee Nation, [illegible] copies [illegible] and were duly compared by me in all respects [illegible] original papers were filed [illegible] as them.

[illegible]

Mr. [illegible] introduce in evidence that portion [illegible] found [illegible] laws of 1892 [illegible] Government [illegible] Five, pages 13 [illegible] article 2 [illegible]

[illegible]

[illegible] being first duly sworn, stated [illegible] stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the transcript is a true and complete transcript of his stenographic

Supl. C.-D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Lenora Prather, et al., as Cherokee citizens; introduced on part of applicants:

APPEARANCES:
Mr. P. S. Davis, Attorney for Applicants;
Mr. J. L. Baugh, of Counsel for Cherokee Nation.

ROBERT A. PRATHER, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

MR. DAVIS: State your name to the Court? A Robert A. Prather
Q How old are you, Mr. Prather? A I will be 76 in May.
Q Are you the applicant in case No. 4014, Robert A. Prather, et al? A I reckon I am.
Q That is the number of the case, No. 4014, you are the applicant there? A Yes, sir.
Q What is the name of your wife? A Caroline Prather.
Q I will ask you if you and your wife, Caroline Prather, had a son by the name of Richard L. Prather? A Yes, sir, Richard Lewis Prather.
Q At the time of the death of your son, Richard L. Prather, was he ~~married to a woman named Lenora Prather, and living with her?~~ A I didn't see them married, but they was living, he was living with a woman, Lenora, she was considered his wife. They was married I think at Claremore.
Q Mr. Prather, in your case, 4014, you offered as exhibits to the Commission certain citizenship papers issued to you and your wife in '86 and in 1870; I will ask you, if at the time you and your wife were admitted to citizenship, Richard L. Prather was admitted and included in these same papers? A Yes, sir, his name was on the papers.
Q I will ask you if you ever turned over to me as attorney for Lenora Prather these same original papers that were offered as exhibits in your case, No. 4014? A I suppose I never turned over but one batch to you.
Q They are the same papers you turned over to me. A I supose they are.
Q You say that Caroline C. Prather is the mother of Richard L. Prather? A Yes, sir.
Q And you are the father of Richard L. Prather? A Yes, sir, we raised him.
Q You raised him as your son? A Yes, sir.

MR. BAUGH: Why, Mr. Prather, were you folks admitted in '86?
A Well, we passed through that, there was a reexamination called and we passed through successfully as I know.
Q You were admitted in '76? A ~~That~~ We was admitted by the Daniels Court in '71.
Q Your wife was the only one that was admitted at that time?
A I guess so, I wasn't there.
Q Now, then, isn't it a fact ~~[illegible]~~ you were accused back in 1886 before the Commission Court, and that the Cherokee Nation alleged that fraud had been practiced in your case, in 1870; in the case of your wife? A Yes, sir.
Q In the examinatiß n of that case and the findings of the Court wasn't it this, that they found that no fraud had been practiced in the admission of the person who was admitted, that was your wife?

Mr. Davis: I object to this question for the reason that it is incompetent, immaterial and irrelevant, that those papers are the best evidence, certified copies of which is filed in case D.#16, they show what was done.

Commissioner: Objection will be noted and witness answer.

Mr. Baugh: The Cherokee Nation proposes to make that as a foundation and to show that the persons that were placed on the certificate at the time were placed there without any authority, or without the authority of the Court itself.

Q Is that a fact? A I don't know.
Q Well, the case was simply tried upon the question of fraud itself in the admission of your wife, wasn't it? A I don't know, the papers are here.
Q Did you go with your wife and them to make a new application for citizenship in 1886? A I don't think that I did, I might but I don't recollect it.

PRESTON S. DAVIS, being duly sworn by Commissioner Needles, testified as follows in behalf of the applicants:

Mr. Davis: I desire to state that the papers mentioned in the testimony in case #4014, Robert A. Prather, et al?; the originals were turned over to me as Attorney for Lenora Prather, the wife of Richard L. Prather, and certified copies of the same were made by me, that same certified copies of said papers, certified to by me as a Notary Public, are now on file in case D.#16; and that said papers show upon their face that Richard L. Prather was admitted at the time his mother, Caroline C. Prather, was admitted to citizenship in the Cherokee Nation; that these certified copies are correct and were duly compared by me in all respects with the original papers here filed by me as Attorney for the applicant.
COM'R NEEDLES: Where are the original papers? A Mr Prather has them.

Com'r Needles: The testimony taken will be made a part of the record in the case at bar, and upon the request of the attorney for the Cherokee Nation will be made part of the record in the case of Robert A. Prather, et al., No. 4014.

Mr. Davis: I desire to introduce in evidence that portion of the amendments of the Constitution of the Cherokee Nation relating to citizenship in said Nation by intermarriage, as found at the beginning of the compilation of the Cherokee laws of 1892, and is amendment of Article Three, Section Five, pages 33 and 34, compiled laws of the Cherokee Nation, edition of 1892.

Com'r Needles: It will be done.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 21st, 1901.

Commissioner.

Mr. Davis: I appreciate this is in evidence section 5 of the Amendments to Article 3 of the Cherokee Constitution, approved in general convention of the Cherokee people held at [illegible] on the 26th of November, 1[illegible], [illegible] found on page [illegible] of [illegible]

[illegible] entitled "Intermarriage [illegible] and [illegible] 259 [illegible] 34 [illegible] 243 [illegible] of [illegible]

[illegible] affirmative evidence [illegible]

[illegible]

[illegible] can not their arrangement

By agreement of Mr. Lewis' and Mr. William [illegible] taken yesterday [illegible]

Mr. Carter: I agree to it.

[illegible] states that as stenographer [illegible] the Civilized Tribes he correctly reported [illegible] in this case, and that the [illegible] of his stenographic notes [illegible]

[illegible]

Supl.C.-D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of LENORA PRATHER, ET AL/, as Cherokee citizens:

APPEARANCES:
Mr. P. S. Davis, Attorney for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Mr. Davis: I applicants offers in evidence Section 5 of the Amendments to Article 3 of the Cherokee Constitution, approved in general convention of the Cherokee people held at Tahlequah, on the 28th of November, 1866, as found on page 33-4 of the compiled laws of the Cherokee Nation, edition of 1892.

Also Article 16 entitled "Intermarriage of White Men and Foreigners," Section 659 to 669 inclusive, pages 329 to 334 inclusive, compiled laws of the Cherokee Nation, edition of 1892.

I also desire to offer in evidence the affidavit of William P. Mayes tending to show a common-law marriage between the applicant, Lenora Prather and her husband, Richard L. Prather, deceased.

Com'r Needles of Mr. Davis: Is William P. Mayes living?
Mr. Davis: Yes, sir.

Com'r Needles: The introduction of the affidavit is refused for the reason that William P. Mayes is living and no reason i s shown why the witness cannot appear in person.

Mr. Davis: We except the ruling on the ground that we can't get witnesses to come here, but can get their affidavit.

Mr. Hastings of Mr. Davis: Wasn't William P. Mayes in town yesterday?
Mr. Davis: I don't know.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded he testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 28th, 1901.

Commissioner.

Signed A. B. Cunningham
Assistant Executive Secretary.

[illegible]

[illegible] Jan 11 1921

[illegible] viewed the [illegible] of the [illegible] under 3 [illegible] try [illegible] executive [illegible] decided the [illegible] rich [illegible] policy.

[illegible] referred [illegible] B. [illegible] car- [illegible] ation, [illegible] t [illegible] o- [illegible] ion the right to [illegible] al, [illegible] the question as to [illegible] the original admission.

[illegible]: Objection will be [illegible] consideration of the Constitution.

[illegible]: This will be [illegible] as supplemental testimony and evidence in Campbell

SUPPLEMENTAL: CHEROKEE D-16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Lenora Prather et al for enrollment as Cherokee citizens.

Appearances:
Preston S. Davis, attorney for applicant;
W. S. Davenport, attorney for Cherokee Nation.

COMMISSIONER BRECKINRIDGE: In the case of Lenora Prather, et al/, Cherokee D 16, the attorney presents a duly authenticated copy of the record as appears on page 12, Citizenship Record, of the Cherokee Nation, said copy being signed by J.T.Parks, Executive Secretary, under the Seal of the Nation, to the following effect:

Cherokee Nation,
vs.
R.A.Prather, and family.

Charged with obtaining citizenship in the Cherokee Nation through fraud and bribery. Whites and Indians admitted to Cherokee rights.

From said original record is given the name of Caroline C. Prather, Cherokee by blood, and children, to-wit: Richard T. Prather, Margaret J., Robert T., Harriet L., Samuel A., Thomas W. and George R.

The document further says:

I hereby certify that the above list of names of the Prather family is true and correctly copied from the official report made to this Department on June 21, 1871, by the Supreme Court acting as a Court of Commission by authority of an act of the National Council Approved December 3, 1869, empowering said Court or Commission to try certain claims of Cherokee citizenship and to finally decide the same, and to make report of their decisions to this Department as the said report is of record in this Department.

In Witness Whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation, on this 26th day of November, A.D., 1886.

(signed) W.P.Boudinot,
Executive Secretary, C.N.

The document giving the foregoing as of the official record of the Cherokee nation is dated, Executive Department, Cherokee Nation, August 28, 1900, Tahlequah, I.T., and is as follows:

I hereby certify that the foregoing is a true and correct copy of the record on file in this office as appears on page 12, Citizenship Record.

(signed) J.T.Parks,
Executive Secretary, C.N.

Seal of the Nation attached.

There is also presented the following:

Executive Department, Cherokee Nation,
[illegible], I.T., [illegible] 1900

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation, hereby certify that the records of this office show that the Supreme Court of the Cherokee Nation, sitting as a Court of Commission, in the year 1870, December 19th, did try and decide the rights of persons returned, on the census rolls whose rights to citizenship were doubtful, was composed of Chief Justice R.B.Daniel, Judge John S. Vann and Redbird Sixkiller, and W.H.Turner, as clerk.

In Testimony Whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation this the 28th day of December, 1900.

(signed)A.B.Cunningham,
Assistant Executive Secretary.

Seal of the Nation affixed.

It being desired by the attorney to use these papers in other cases the foregoing citation is made as adequate evidence of what is set forth.

BY MR. DAVIS:Applicant offers in evidence the Act of the National Council of the Cherokee Nation approved December 3, 1869, empowering the Supreme Court of said Nation to try certain claims to Cherokeecitizenship, and finally decide the same and make report of their decisions to the Executive Department of the Cherokee Nation, as mentioned and set forth ~~in the above certified copy.~~

MR. DAVENPORT: The Representatives of the Cherokee Nation object to the citation and pretended offer of an act unless the Act is presented.

COM'R BRECKINRIDGE: The act referred to is not presented at this time, and what has been stated is simply accepted as reference to that act for consultation in case it may be found to exist and according to its terms.

MR. DAVENPORT: We object to the introduction of the certified copy ~~of~~ from the Cherokee Nation, for the reason that it does not purport to be the original act under which Caroline Prather was admitted, and the additional reasons that opening up the case did not give the Commission the right to admit any additional, but to investigate the question as to whether there was any fraud in the original admission.

COMMISSIONER BRECKINRIDGE: Objection will be noted for the further consideration of the Commission.

COMMISSIONER BRECKINRIDGE: This will be filed as supplemental testimony and evidence in Cherokee Straight case D16.

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M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this November 6th,1901.

Commissioner.

Mr. W. W. Hastings, presenting Cherokee Nation.

Mr. Davis: I desire to submit this case finally at this time.

Commission: By agreement between the respresentatives of the Cherokee Nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

The representatives of the Cherokee Nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 19, 1902.

Commissioner.

Supl.-C.D.#16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LENORA PRATHER, ET AL., as Cherokee citizens:

This case set for final hearing February 15, 1902, and applicant appears by Attorney Preston S. David, Vinita, I. T. Mr. W. W. Hastings, present for Cherokee Nation.

Mr.Davis: I desire to submit this case finally at this time.

Commission: By agreement between the respresentatives of the Cherokee Nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

The representatives of the Cherokee Nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this February 19, 1902.

Commissioner.

Cherokee D-16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 5, 1902.

In the matter of the application of Lenora Prather for enrollment as an intermarried citizen, and for the enrollment of her children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation.

Preston S. Davis, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Preston S. Davis.
Q What is your age? A 32 this November.
Q What is your postoffice address? A Vinita, I. T.
Q Are you acquainted with Lenora Prather who is an applicant before this Commission for enrollment as an intermarried citizen? A I am.
Q How long have you known her? A Well sir, I have known her for some seven or eight years.
Q What is her husband's name? A She has no husband; she is a widow.
Q What was his name? A Richard L. Prather.
Q How long has he been dead? A The exact date of his death I am unable to state, but he has been dead some three or four years; I suppose he wasdead before she applied to the Commission for enrollment.
Q Did Lenora Prather and her husband Richard L. Prather live together as husband and wife from the time you knew them up until his death? A Yes sir.
Q They never separated during that time? A No sir. They were living together at the time of his death; he got killed, was thrown out of a wagon.
Q Has Lenora Prather ever married since the death of her husband? A She has not, she is a widow now.
Q Was she a widow on the first day of September, 1902? A She was.
Q How long have you known her to live in the Cherokee Nation? A Ever since I have known her.
Q For the last seven or right years? A Yes sir.
Q She has not lived out? A No sir.
Q Do you know her two children, Sam Houston and Maggie? A Yes sir. They live with her near Grove I.T.,; she lives on her place.
Q Do you know whether Richard L. Prather was ever married prior to his marriage to this wife? A Yes sir, he was.
Q Was his former wife living or dead at the time of his marriage to Lenora? A His last wife was divorced from him and the evidence of his divorce has been produced in the application and the papers.
Q Was that divorce granted to him prior to his marriage to this woman? A Yes sir, a certified copy of it is on file as required by the Commission.
Q She was living in the Cherokee Nation on the 28th day of June, 1898, was she? A Yes sir.

Leonora Prather.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 4th day of October, 1902.

T. B. Jones
Notary Public.

NO. 516

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss

I do solemnly swear that I delivered a true copy of the within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 9th day of October 1902

Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

NOTICE.

In the Matter of the application of Lenora prather et al

for enrollment as Cherokee citizens.

To Lenora Prather et al or Preston S Davis their Attorney

Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on October 15th 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this October 8th 1902.

L W Titsworth

No. C. D. 16.

Attorneys for the Cherokee Nation.

Cher
Supp'l to D 16

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of LENORA PRATHER, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; and for the enrollment of her two children SAM HOUSTON PRATHER and MAGGIE PRATHER, as citizens by blood of the Cherokee Nation:

The Commission: The Cherokee Nation makes satisfactory proof of service upon the applicant of notice that they would offer additional testimony on this day, tending to disprove her right to enrollment; and the applicant appears in person as well as by counsel, Preston S. Davis; the Cherokee Nation appearing by its representative J. C. Starr.

LENORA PRATHER, the applicant, being called as a witness, and being duly sworn and examined, testified as follows:

Commission:

Examined by [redacted]:

Q Mrs. Prather, what is your name ? A Lenora Prather.
Q What is your age at this time ? A Thirty four.
Q What is your post office ? A Grove.
Q Are you the same Lenora Prather that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation in July, 1900 ? A Yes sir.
Q What was your husband's name ? A Richard L. Prather.
Q Was he a Cherokee by blood ? A Yes sir.
Q Is he living or dead ? A He is dead.
Q When did he die ? A In 1895.
Q When were you married to Richard L. Prather ?
A In 1892.
Q Did you and Richard L. Prather live together as husband and wife from the date of your marriage to the time of his death ?
A Yes sir.
Q You were never separated ? A No sir.
Q Were you ever married prior to your marriage to Richard L. Prather ? A Yes sir.
Q How many times ? A One time.
Q What was the name of your first husband ? A T. B. Lyons.
Q Was he living or dead at the time of your marriage to Mr. Prather ? A He was dead.
Q Had Mr. Prather ever been married before ? A Yes sir.
Q How many times had he been married ? A Three times.
Q You were his fourth wife ? A Yes sir.
Q Were all his former wives living or dead when you married him ?
A His first wife was dead.
Q What was the name of his second wife ? A Fannie Carr.
Q Had he been divorced from her ? A Yes sir.
Q What was the name of the third wife ? A Sarah Vann.
Q Had he been divorced from her ? A I am mistaken, Sarah Vann was his second wife and Fannie Carr was his third wife.
Q Had he been divorced from her when he married you ?
A Yes sir.
Q Since Mr. Prather's death in 1895, have you married ?
A No sir.
Q You were still a widow and single on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to Mr. Prather up to the present time ?
A The biggest part of the time.

Q How much of the time have you been out of the Cherokee Nation ?
A I lived on the farm part of the time and would go back and forth.
Q Now up to the time of Mr. Prather's death, did you and he live on the farm, or where did you live during his lifetime ?
A Part of the time in Southwest City.
Q During his lifetime you spent part of the time in Southwest City ? A Yes sir.
Q The first year after his death where did you live ?
A Southwest City.
Q You still had the farm in the Cherokee Nation ? A Yes sir.
Q Where did you live the second year after his death ?
A Stayed in Southwest City most of the time.
Q You didn't move on the farm and keep house on the farm during that time ? A No sir.
Q The third year after his death about 1897, or 1898, where did you live ? A About the last of May or first of June, in 1898, I moved to the farm.
Q You moved to your farm in the Cherokee Nation ? A Yes sir.
Q How long did you live there ?
A I stayed there quite a while; I went back and forth.
Q Did you stay there all that summer ? A Yes sir.
Q You say you went back and forth, where did you go to ?
A Southwest City.
Q Did you have a house in Southwest City ?
A I lived in property there that belonged to the heirs of my husband.
Q Did you have control of it ? A Yes sir.
Q Did you keep the use of part of that property, the dwelling house?
A Yes sir.
Q While you were on the farm in the summer of 1898, who occupied that dwelling house ? A A family named Hayes.
Q How many months did they live there ? Did they pay rent for it ? A Yes sir they paid rent; I don't know how long they stayed there.
Q After you moved to the farm, what time did you leave the farm in 1898 ? What time of the year ?
A I don't think I left there until 1900. I don't think I went back until 1900.
Q To Southwest City ? A Yes sir. And then I moved to Grove. No, I went back in 1899, and in 1900 I moved to Grove.
Q You went back to Southwest City in 1899 ? A Yes sir, I would go back and forth all the time.
Q You quit living on the farm in 1899, didn't you ?
A No sir, one of the renters lived in the house with me, and I went back and forth.
Q Back and forth to Southwest City ? A Yes sir.
Q And in 1900 you moved to Grove ? A Yes sir.
Q Been living in Grove ever since 1900 ? A Yes sir.

Examined by F. S. Davis:

Q How far is this farm from Grove ? A Four miles.
Q How far is this farm from Southwest City ? A Eight miles.
Q Did you own this farm when you first married Richard L. Prather ?
A Yes sir.
Q Did you own it all the time during the lifetime of Richard L. Prather, after you married him ? A Yes sir.
Q Did you own any other farm during the lifetime of Richard L. Prather ? A Yes sir.
Q Where was that ? A At Blunjacket.
Q Indian Territory ? A Yes sir.

Q Did you ever go out there ?
A Yes sir, we went out there often.
Q During all the time that you lived in Southwest City did you have any household effects on these farms in the Cherokee Nation ?
A His machinery and everything was out there, and farming implements.
Q Was he running these farms ? A Yes sir.
Q Did you ever move any household stuff down on the farm near Grove ? After the death of Mr. Prather ?
A Yes sir.
Q When ? A About the last of May or the first of June, in 1898.
Q Did you have this household stuff on the place near Grove on June 28, 1898 ? A Yes sir.
Q What did you have there ? A Bedding, kitchen furniture, and household goods to keep house with.
Q Did you keep them there on from that date x on up to the time you moved to Grove ? A Yes sir.
Q When did you move to Grove ? A In 1900.
Q Are you living there now ? A Yes sir.
Q You have two children by Richard L. Prather ? A Yes sir.
Q Living ? A Yes sir.
Q Minors ? A Yes sir.
Q What are their names ? A Sam Houston and Maggie.
Q Are they living with you ? A Yes sir.
Q I will ask you if, at any time since your marriage to Richard L. Prather, there has ever been a time that you didn't have furniture have a home or own property in the Cherokee Nation ?
A No sir.
Q Where have you always claimed your home to be since you married Richard L. Prather ? A In the Cherokee Nation.

Examined by J. C. Starr:

Q Where is this farm located near Grove ? Which direction ?
A Northeast.
Q Whose farms are adjoining it ? A James Turner on the east, and Nat Perry on the south.
Q Who is on the west ? A Mr. Stewart.
Q Who on the north ? A Mrs. James' farm, I think.
Q How many houses has this place got on it ? A Two.
Q Were both these houses occupied during the year 1898 ?
A I was in one of them.
Q Who lived in the other ? A I think Mr. Bagby was in one of them.
Q Which one ? A Uncle Alf Bagby. To the best of my knowledge I think it was uncle Alf Bagby.
Q Which side of the farm is this house located on which you say you lived in ? A On the east part of the farm.
Q What time did you say you went there in 1898 ?
A The last of May or the first of June.
Q How long did you stay there in May, 1898 ? A I went there about the last of May or the first of June, 1898.
Q How long did you stay on this place ?
A I stayed there quite a while.
Q Did you go back to Southwest City at any time ?
A I was back and forth.
Q How much of the month of June were you on this place ? I mean June, 1898 ?
A I was out there the biggest part of the time. I was out there quite a good deal during the month of June.

Q Did you have any household effects in the house at Southwest City at the time you were out at the farm in 1898 ?
A I left some things there I couldn't put in my house there. It was small and leaked, and I hired my brother and another man to fix the roof.
Q Did you ever spend the night on the farm in June, 1898 ?
A Yes sir.
Q How many ? A Several nights.
Q How many nights did you spend in Southwest City in June, 1898 ?
A I do not remember.
Q Where were you in July, 1898 ? A At the farm, I suppose, most of the time.
Q Were you in Southwest City at any time during the month of July, 1898 ? A I don't remember; I don't remember dates.
Q Do you remember how much you were in Southwest City in June, 1898?
A No sir, I was at the farm the most of the time. I would go back and forth.
Q As a matter of fact, in June, 1898, didn't you stay in Southwest City as much as you did on the farm ?
A No sir, I don't think I did.
Q Did you stay at Southwest City any time during June, 1898 ?
A I don't remember, sir. It's been so long I have forgotten.
Q When did you go back to Southwest City to live ?
A Well, I never went back there at all to make it my home.
Q But you did go back there for a while after June, 1898 ?
A I would go back and forth.
Q How long did you stay in this house on the farm after you put these things in there in June, 1898 ? A How long did I stay?
Q How long did you continue to live there ?
A A long while; I don't remember just how long, but a good long while. I never taken them away until I moved to Grove.
Q Did you keep your part of your place at Southwest City until you moved to Grove ? A Had some furniture there, yes sir.
Q Now when did you move to Grove ? A In 1900.

Examined by Mr. Davis:

Q From the time you moved this household stuff down on the farm the last of May or the first of June, 1898, from that time on, where did you claim your home, in Southwest City, Missouri, or in the Cherokee Nation ? A In the Cherokee Nation.
Q Have you ever claimed your home anywhere else since that time, but the Cherokee Nation ? A No sir.
Q Do you own any property now in Southwest City ?
A No sir.

L. B. FRATHER, called as a witness on the part of the Cherokee Nation, being duly sworn and examined, testified as follows:

Examined by the Commission:

Q State your name ? A L. B. Frather.

F. S. Davis: At this time applicant objects to the re-opening of this case, and to the introduction of any testimony by the Commission, or on the part of the Cherokee Nation, on the main issue of this case, as to whether or not the applicant Lenora Frather, and her two minor children, are entitled to enrollment as citizens of the Cherokee Nation, for the reasons, First: That, on January 24, 1908, the Dawes Commission issued a notice to the

applicant and to her two minor children, that, on the 15th day of February, 1902, this case would be taken up at Muskogee, in the offices of said Commission, for final consideration, notifying said applicant to be present, under the signature of Tams Bixby, Acting Chairman of the Commission. And on said 15th day of February, 1902, the applicant appeared before the said Commission by her attorney of record, Preston S. Davis, and the Cherokee Nation was then and there represented by W. W. Hastings, and the following record was then and there made:

"Mr. Davis: I desire to submit this case finally at this time.

Commission: By agreement between the representatives of the Cherokee Nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

The representatives of the Cherokee Nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission."

The said record above quoted being enclosed to the said attorney for the applicant under date of February 28, 1902, under the signature of T. B. Needles, Commissioner in Charge; in which communication said Commission notified said attorney that "there is enclosed herewith a copy of agreement of counsel submitting the case, and the order of the Commission closing the testimony, in the matter of Lenora Prather, et al, for enrollment as citizens of the Cherokee Nation. You are entered as attorney in this case and have heretofore signedreceipt for testimony. Yours truly, T. B. Needles, Commissioner in Charge; Cherokee D 16; Encl-J-9"; and for the further reason that, under the treaty the rolls were to be closed on the 31st day of October, 1902, and this case having been finally submitted under an order of the Commission as shown by the record, on the 15th day of February, 1902, said Commission having closed said case, and having so understood the said case was closed, it is unfair and unjust to said applicant, at the last moment here to re-open the said case and introduce new proof on the main issue in the case, the Cherokee Nation having had since July, 1900, to offer testimony in this case, and having, by their proper representative, on the 15th day of February, 1902, openly, before said Commission, declined to offer any further testimony, and having submitted finally the case to the Commission for its final consideration.

The Commission: Your objection will be noted, and the Cherokee Nation will be permitted to introduce such testimony as it may have subject to the objection of the applicant, to be passed upon by the full Commission.

Mr. Davis: Applicants excepts.

THE EXAMINATION OF L. B. PRATHER THEREUPON PROCEEDED.

Witness examined by J. C. Starr:

Q Mr. Prather, what is your age ? A I am 44 years old.
Q What is your post office ? A Greve, I. T.
Q Are you acquainted with the applicant, Lenora Prather ?
A Yes sir.
Q How long have you known her ? A About 10 years, I guess.
Q Do you know who was her Cherokee husband ? A Yes sir.
Q What was his name ? A Richard L. Prather.
Q Where did Lenora Prather and Richard L. Prather live during the lifetime of Richard L. Prather ? A Southwest City, Missouri.

Q When did Richard L. Prather die ? A In 1895.
Q Where was he living at the time of his death ?
A At Southwest City.
Q Do you know where Lenora Prather has been residing since the death of her husband, Richard L. Prather ? A Yes sir.
Q Where has she been residing ? A Why she was in Southwest City part of the time since his death.
Q How long did she continue to reside there ?

By Mr. Davis: Let him answer where else she lived.

Witness: In Grove.

By J. C. Starr:

Q How long did she continue to reside in Southwest City after the death of Mr. Prather ? A About three or four years.
Q Where did she live during the year 1898 ?
A In Southwest City.
Q Where did she live during the year 1899 ?
A Why for the best part of 1899 she lived in Southwest City; in the first part of the year of 1899 she lived in Southwest City.
Q Where did she live during the latter part of 1899 ?
A In Grove.
Q Are you acquainted with the farm belonging to Richard L. Prather on Cow Skin Prairie ? A Yes sir.
Q Do you know who occupied that farm during the year 1898 ?
A I don't believe I do. No, I don't recollect who lived there in 1898.
Q How far is that farm from where you live ?
A It is about two miles and a half, I guess.
Q You are living at the same place now that you were in 1898 ?
A Yes sir.

Examined by P. S. Davis:

Q What kin were you to Richard L. Prather, deceased ?
A A brother.
Q An own brother ? A Yes sir.
Q What kin are you to the two minor children, Sam and Maggie ?
A I am their uncle.
Q Own uncle ? A Yes sir.
Q Where were you living when Richard L. Prather was killed in 1895 ? A Where I live now, on Cow Skin Prairie.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q You were administrator in the Cherokee court of the Richard L. Prather estate, when he first got killed in 1895 ? A Yes sir.
Q How long did you continue to act as such administrator of his estate ? A Oh, about a year I guess.
Q What property did he have in the Cherokee Nation when you took charge of his estate as administrator in 1895 ?
A He had a farm.
Q What else ? A Stock.
Q What stock; name over all the property you can think of.
A Some horses.
Q How many horses did he have ? A He had sixteen or eighteen mares and colts, and two mules.
Q Alright, what other stuff; name it, that you took charge of ?
A That's all.
Q Had a farm, how many acres of land ? A About a thousand acres.
Q What improvements on that land ? A Three houses- four houses it was, on three farms.
Q Alright, three houses; what effects in the way of farming imple-

ments, tools, and utensils, that you took charge of ?
A None at all.
Q How long did you continue as administrator of this estate in the Cherokee Nation ? A About a year.
Q What did you finally do with this stuff ?
A I got into a law suit.
Q Yes, you tried to beat the estate out of it ? A No sir.
Q Isn't it a fact that Lenora Prather, the applicant, had to sue you in winding up the estate ?
A She had no right to have it turned over.
Q Didn't you refuse to turn it over ? And therupon wasn't a law suit brought ? A No sir.
Q Didn't you compromise the suit by executing to this woman your note for one hundred and fifty dollars ? A Yes sir.
Q Hasn't she got that note now ? A Yes sir.
Q That note's about due, aint it, and unpaid ? A Yes sir.
Q Do you know Jesse Q. Prather ? A Yes sir.
Q Didn't you state in the presence and hearing of Jesse Q. Prather that if Lenora Prather would turn over this note now you would drop this contest, and if she didn't you would knock her off the roll and take the children's and her land ? A No sir.
Q Have you employed Cale Starr and paid him fifty dollars to knock this woman off the roll ? A No sir.
Q What is the state of your feeling against this applicant ?
A I have no feeling.
Q Do you feel kindly toward her or not ?
A I have got nothing against her.
Q Do you feel kindly toward her ?
A I don't have anything to do with her.
Q As a matter of fact, you don't feel very kindly toward her, do you ? Do you feel kindly toward this woman or not ?
A I haven't anything particular against her.
Q As a matter of fact, you don't like her ?
A I have got nothing against her at all.

The Commission: You may state whether you like the woman or whether you dislike her.

A I aint stuck on her.
Q You are not stuck on her at all ? A No sir.
Q Did you ever make any statement to anybody that if she would turn over this note to you it would be alright ? Didn't you get mad at her when she sued you for the estate ?
A I didn't think it was right.
Q You and the other administrator compromised, you compromised and swindled the estate out of everything, and then you didn't like it when she compelled you under the law to give these orphan children what was coming to them ? A I didn't get anything what she claimed I got; I turned over what I got over to Yeargain.
Q Another Cherokee administrator who succeeded you, and between you two you succeeded in robbing this woman. Hasn't Cale Starr ever to see you the other day at your place at Gowe ?
A Not this last time.
Q When was he out there ? A Two or three weeks ago.
Q Didn't he come out to your place to see you about this case ?
A No sir. It was about a land trade.
Q When did you know you had to come down here ?
A Last Friday.
Q Did you ever talk to Cale Starr about knocking this woman off the roll ? A No sir.

Q Did you ever offer to pay him to have it done ? A No sir.
Q You never sent Jesse Q. Prather, the step-son of this woman, over to her about this note, and to tell her if she would turn it over you would drop the contest, and if she didn't you would get her off the roll ? A No sir.
Q Do you know what time in 1898 she moved some things down on the farm ? A She didn't move anything down there.
Q How do you know ? A I was passing there all the time.
Q How far did you live from her ? A About four miles.
Q You have been trying to get her farm haven't you ?
A No sir.
Q You would like to have it ? A Yes sir, I would.
Q It is one of the best farms on Cow Skin Prairie ? A Yes sir.
Q I will ask you if you don't want that farm ?
A I couldn't hold it if I had it. Of course I would like to have it.
Q Haven't you been trying to get a hold of this land to allot it ?
A No sir. I would like to buy it for another fellow.
Q You would like to have it ? A I wanted it for another fellow.
Q How do you know she didn't move some things down there ?
A I didn't see them.
Q You didn't see her ? A No sir. She moved some things there in 1899.
Q How far do you live from Southwest City ?
A It's about fourteen miles.
Q Do you keep up with everything that's going on there ?
A Not hardly.
Q How big is Cow Skin Prairie ? A It's a pretty big scope of country.
Q Do you mean to tell this Commission that you keep up with the movements of everybody on Cow Skin Prairie and in Southwest City ?
A No sir.
Q You don't ? A No sir.
Q Do you know when this woman's brother, Jackson, lived on the place in 1898 ? A No sir.
Q Do you know whether he lived there at all ? A No sir.
Q As a matter of fact don't you know that he did live there ?
A No sir.
Q You don't know anything about that ? A No sir.
Q As a matter of fact you don't know much about the place ?
A I was passing there often and saw some of them.
Q Who was living there on the place in 1898, you were passing there ? A I don't know. I know who lived there in 1899.
Q You were passing there in 1898, and you know this woman didn't live there, who did live there in 1898 ? As a matter of fact you don't know anything about it ? As a matter of fact, you understood that if you came down here and swore that she wasn't there in 1898, it knocked her off the roll ?
A If I had time I could tell.
Q Yes, if you had a year or two, but you aint got a year or two. You don't know, do you ?
A I don't know now.

Examined by J. C. Starr:

Q You were subpoenaed regularly to come before the Commission at this time ? A Yes sir.
Q Did you have any talk with the representatives of the Cherokee Nation before coming ? A No sir.
Q You didn't have any conversation with the representatives of the Cherokee Nation before coming ? A No sir.
Q You didn't know what you would testify about before coming ?
A No sir.

By Mr. Davis:

Q I will ask you if you didn't make the statement on Monday of last week, in Grove, Indian Territory, that you were coming over here for this hearing to see that this woman got knocked off the roll ? A No sir.
Q Did you ever make any such statement at any time or place ?
A No sir.
Q Isn't it the common talk of your community that you have interested yourself to see that this woman is defeated, if you can, on the ground that she has your note which she got in the settlement of the estate ? A No sir.
Q That you were coming here to testify that she wasn't there in 1898 ? A No sir.
Q You haven't done that ? A No sir.

By the Commission:

Q How long had Richard L. Prather been living in Southwest City when he was killed ?
A He had been living there about four years.
Q Where was he living when he married Lenora ?
A In Southwest City.
Q Where was he killed ? A In Southwest City.
Q He wasn't living in the Nation at all at that time ?
A No sir.
Q How long did you say it was before Mrs. Prather came to the Cherokee Nation to live ?
A She moved there sometime in the latter part of 1899.
Q Where ? A Grove. It was December, 1899, or January, 1900, I don't know which.
Q Do you know of her living in Southwest City up to 1899 ?
A Yes sir.
Q Did she keep house in Southwest City until 1899 ?
A She lived in a house there, I think she had some folks living with her.
Q Whose house ? A In her own.
Q It belonged to Richard L. Prather when he died ?
A Yes sir.
Q It was administered upon in the State of Missouri after his death ? A Yes sir. She was appointed ---
Q She had charge of everything up there ? A Yes sir.
Q You were the administrator over in the Cherokee Nation ?
A Yes sir.

Examined by Mr. Davis:

Q I will ask you, if, during all the time that Richard L. Prather lived in Southwest City, Missouri, he owned property in the Cherokee Nation ? A Yes sir.
Q Did he have personal effects in the Cherokee Nation outside of land, and such as horses and stock ?
A Why sometimes he did.
Q Didn't he trade all the time during his lifetime ?
A He kept them rented pretty much all the time.
Q Didn't he have personal effects in the Cherokee Nation ?
A Yes sir.
Q Wasn't he recognized and considered as a citizen and participated as any other citizen all the time ? A Yes sir.
Q He was always known as a Cherokee citizen ? A Yes sir.
Q Didn't he have all his matters transacted there in the Cherokee courts ? A Yes sir.
Q Did he ever become a citizen of Missouri ?
A Yes sir, he voted down there.

Q How do you know ? A He told me he did.
Q Do you know of your own knowledge ?
A No, I didn't see him.
Q During that time you do know that he was a citizen of the Cherokee Nation, and so considered ? A Yes sir.
Q You don't know whether this applicant moved any of her things down on the farm in the early spring of 1898 or not ?
A No sir.
Q You didn't see her there ? A No sir.

By J. C. Starr:

Q You have taken no active part in this contest against the enroll ment of this applicant, have you ? A No sir.
Q Did you ever report this matter to the representatives of the Cherokee Nation ? A No sir.
Q You never had any talk with any of them ? A No sir.
Q That time that you speak of seeing one of the representatives of the Cherokee Nation, about three weeks ago, was the subject of the enrollment of Lenora Prather mentioned at that time at all ?
A No sir.
Q Nothing was said about it ? A No sir.

Mr. Davis: Subject to the objection already made by the applicant, and subject to the decision of the Commission on said objection, the applicant desires, at this time, to introduce the following testimony in rebuttal of the testimony offered by the Cherokee Nation:

LENORA PRATHER, called, being duly sworn by the Commission, and examined, testified as follows:

Examined by P. S. Davis:

Q Do you know Baxter Prather ? A Yes sir.
Q What kin was he to your husband ? A Brother.
Q Was he ever administrator of the estate of Richard L. Prather, deceased ? A Yes sir.
Q Where was the estate situated that he was administrator of ?
A Indian Territory, Gow Skin Prairie.
Q In the Cherokee Nation ? A Yes sir.
Q Did you ever have any difficulty with Baxter Prather in the settlement of the estate ? A Yes sir.
Q What did you have to do ?
A I finally had to bring suit.
Q In what court ? A In the United States Court at Vinita.
Q Why did you have to bring this suit ?
A Well he wouldn't turn over our part of the estate.
Q What became of the suit ? A We compromised it.
Q How did you compromise it ?
A He gave me his note for $150.00.
Q Have you got that note now ? A Yes sir.
Q Has it been paid ? A No sir.
Q Any part of it ? A No sir.
Q I will ask you if he ever sent anyone to you concerning this note ? A My step-son James Prather came up one day and told me.
Q When did James L. Prather, your step-son purport to represent when he came to you concerning this note ?
A Baxter Prather.

Q Did he make any statement to you at that time concerning what Baxter Prather offered about the note ? A Yes sir.
Q These statements that he made, did he state that he had been sent there by Baxter Prather to make the statements ? Just state whether he said Baxter Prather sent him there to make the statements ? A Yes sir.
Q Now then, I will ask this question: what did he say that Baxter Prather had sent him there as his agent to say to you concerning this note ?

By J. C. Starr: Objected to by the representatives of the Cherokee Nation because it is a matter of hear-say

Mr. Davis: I submit that the act of the agent binds the principal.

Q What did he say ? A He said that Baxter Prather said if I would turn the note over, why I would enroll alright, and if I didn't, they would knock me out.
Q What has been the disposition and feeling of Baxter Prather toward you since the death of your husband Richard L. Prather; has it been good or bad ? A It's been bad.
Q I will ask you if you lived in Southwest City all the year of 1896, as testified to by Baxter Prather ?
A No sir, I did not.
Q Your testimony while on the stand in relation to whether or not you had married out since the date of your application on September 2, 1896, is true as to these parties is it ?
A Yes sir.

Examined by J. C. Starr:

Q Have you ever visited at the home of L. B. Prather since you applied for enrollment here ? A I was at his house one time.
Q You have been there since ? A Yes sir.
Q Did you take dinner at their house ? A Yes sir.

By the Commission:

Q Were you administratrix of your husband's estate that was situated in the State of Missouri ? A Yes sir.
Q Were you administratrix of that estate in 1898, or had it been permanently settled up then ? A Yes sir.
Q Do you know when you were discharged as administratrix over here in Missouri ? A I think it was in 1899.

Mr. Davis: This testimony is offered subject to the same decision of the Commission on the previous objection introduced before the taking of testimony, and without waiving any of the rights of the applicant.

EDMUND B. JACKSON, called as a witness on behalf of applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

Q What is your name ? A Edmund B. Jackson.
Q How old are you ? A I am thirty one.
Q Where do you live ? A I live in Delaware District, Cherokee Nation.

Q How long have you lived there ?
A I moved there in January.
Q What kin are you to Lenora Prather, the applicant in this case ?
A I am her brother.
Q Did you know her husband, Richard L. Prather ?
A Yes sir.
Q Do you know whether or not in the year 1898 Lenora Prather had any household effects down on her farm in the Cherokee Nation ?
A She did, yes sir.
Q Near Grove ? A Yes sir.
Q What time in 1898, as near as you can remember, did she have these things there ? A As near as I can remember it was in September or October.
Q What year ? A In 1898.
Q How do you know Mr. Jackson, by what do you fix it ?
A She hired me to cover the house and I went out there and covered the house, it leaked so bad. I went out and covered the house.
Q What things did she have there when you went out there in 1898 ?
A A bed-stead or two, and some dishes, and enough stuff there to keep house with.
Q Household stuff ? A Yes sir.
Q How long did you stay there ? A Two days and a half, I think it was.
Q Did you afterwards live there a while or have charge of the house ? A No sir, I never lived there afterwards.
Q Was she down there during the time you were there ?
A No sir, she wasn't down there.
Q Do you know whether or not she had been living there ?
A It was my understanding that she had.
Q Who had charge of this house at the time you were covering it ?
A She did.
Q Anybody else living in the house ? A No sir.
Q How many houses were on the place at that time ?
A Two houses.
Q Did you ever live on this place ?
A No sir, I never did on that place.
Q Do you know whether or not they owned this place while Richard L. Prather was living ? A Yes sir, they did.
Q Do you know if they ever lived on it while he was living ?
A I don't know.
Q But they owned it at that time ? A Yes sir.
Q She still owned it after his death ? A Yes sir.
Q And Mrs. Prather had her household effects there and had charge of this house in September or October, 1898, to your certain knowledge ? A Yes sir.

Examined by J. C. Starr:

Q What were you doing on this place in 1898 ? A I was covering the house.
Q How many times were you on the place in 1898 ?
A I was there only once.
Q Did you see Leonora Prather there while you were there ?
A No sir.
Q You didn't see her around there ? A No sir.
Q Who cultivated that place in 1898 ? A I don't know, but I think old man Bagby cultivated it, his boys were there at work while I was covering the house.
Q You were on the place only once, and that was in the fall ?
A Yes sir, September or October.

Examined by F. S. Davis:

Q You say you were only there two days and a half ?
A Yes sir.
Q Do you remember returning back there at any time ?
A No sir, I moved back out to Claremore right away.

By the Commission:

Q Where were you living at the time you did the work on this house ?
A About twelve miles south-west of Southwest City, in the Delaware District.
Q Who came after you to get you to do this work ?
A Mrs. Prather.
Q At the time she came after you where was she staying, do you know ? A No sir, I do not, she come down to my house.
Q You don't know whether she was living in Southwest City or somewhere else at that time ? A She was living at her home in Southwest City part of the time, and she told me she had been on the prairie on the farm part of the time.
Q You hadn't been to her house for sometime had you ?
A No sir.
Q As a matter offact of your own knowledge you don't know where she was living when she came after you ?
A She told me she had been making it part of the time on the place.

Examined by Mr. Davis:

Q You know she had this place there and nobody living in the house at the time you did the work ? A Yes sir.
Q You knew it was her place ? A She claimed the place.
Q There was no other person in charge of the house ?
A No sir. I nailed the doors up.

Examined by J. C. Starr:

Q You nailed the doors up ? A I nailed the doors up.
Q What did you do with the key ?
A I turned it over to her.
Q Where did you turn it over to her ? A Southwest City.
Q You took it back to Southwest City and gave it to her ?
A Yes sir.

Mr. Davis: The applicant, at this time, subject to the decision of the Dawes Commission on the objection raised, if the said Commission holds that the Cherokee Nation is, under the circumstances, entitled to re-open this case, after it has been finally closed and submitted, asks for sixty days from this date in which to procure and introduce testimony showing and tending to show that she has had her home in the Cherokee Nation since the early spring of 1898; and makes this request for the reason that, having understood since the 15th day of February, 1902, that this case was fully and finally closed, and that she would not be called upon to introduce any further proof, haven't kept up with her witnesses that she can procure, if allowed those sixty days time in which to procure them.

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The Commission: Upon the request of the applicant herein [illegible], the Commission continues the case for further hearing until November 24, 1902.

Mr. Bryant: The applicant requests sixty days, and concurs in the action of the Commission in granting twenty-nine days.

I, C. Vogell, do hereby swear that, as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the stenographic notes thereof.

C. Vogell

Subscribed and sworn to before me this November 4, 1902.

R. B. Jones
Notary Public

Cherokee D-16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as an intermarried citizen, and for the enrollment of her children, ~~Emma~~ Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation;-

Applicant appears by her attorney, Preston S. Davis, Vinita, Indian Territory; Cherokee Nation by J. C. Starr.

Preston S. Davis, being sworn, testified as follows:
On October 3, 1902, I testified before this Commission in this case and my testimony was reduced to writing and since that time a transcript has been handed to me of that evidence, a copy of which I now hold in my hand. I notice in this evidence since reading it over that it shows this question was asked me, "Has she not lived out (referring to the applicant Lenora Prather), and my answer was "No sir". I desire now to modify the same. I don't know whether she has lived out of the nation or not, and didn't now intend to state as a positive fact that the applicant had not lived out of the Cherokee Nation, and that the last question asked me, as I see now from this testimony was, "She was living in the Cherokee Nation on the 28th day of June, 1898, was she?" My answer was at that time "Yes sir". That answer was an oversight on my part and I didn't intend to state that as a fact; I don't know whether she was living in the Cherokee Nation on June 28, 1898, or not, although that was and is now my understanding concerning the same; but to state that ~~as a positive fact I am not able to do and didn't intend to do it~~ when I gave in this testimony.
J.C.Starr: How long have you known Lenora Prather? A I knew Lenora Prather in Arkansas when her name was Lenora Jackson, and I have known who she was and I have known her since I came to the territory in the fall of '95.
Q Wherewas she living when you came to the territory? A I am not able to say; she was living east of Vinita; I can't say whether she was living in the nation or in Missouri; I have known the woman and knew her before I ever went to the territory in '95.
Q Do you remember of seeing her any time during the year 1898? A Well, yes, sir; to state I remember any distinct time I couldn't; I seen her along during that time because I represented her in her estate matters along after the death of her husband.
Q You don't remember of any particular time? A No sir, I can't remember any particular time outside of that when I ever saw her.

Jesse O. Prather, being sworn and examined, testified as follows:
By P.S.Davis: State your name to the Commission? A Jesse O. Prather.
Q How old are you? A I will be twenty-two, the 16th of January.
Q Where do you live? A I live at Grove.
Q How long have you lived over there or in that vicinity? A I have lived off and on ever since about '85.
Q Do you know Lenora Prather, the applicant in this case? A Yes sir.
Q Did you know Richard L. Prather in his lifetime? A Yes sir.
Q What kin were you to Richard L. Prather? A He was my father.
Q What kin are you to Lenora Prather? A She is my step-mother.
Q Do you know Baxter Prather? A Yes sir.
Q What kin are you to Baxter Prather? A He is an uncle of mine.
Q What kin was he to Richard L. Prather? A A brother.
Q Where were you living along in the early part or first part of June, this year, 1902, in reference to where Baxter Prather lived?
A I was living close to Ballisaw.
Q How far from where Baxter Prather lived? A Over one hundred miles.

Q Were you up to Baxter Prather's place on Cowskin prairie along in June, 1902, were you living up there? A Yes sir.
Q My question was where were you living in the early part of June, 1902? A At Grove, Indian Territory.
Q Then you were not living at Sallisaw at that time? A No sir, I didn't understand the question.
Q How far were you from where Baxter Prather lived in June, 1902?
A About three miles.
Q Were you on friendly terms with him at that time? A Yes sir.
Q Did you go out there frequently? A Yes sir.
Q I will ask you if he ever sent you over to see Lenora Prather in regard to her giving up a certain note she has?
J.G.Starr: Objected to by the representative of the Cherokee Nation for the reason that it is irrelevant and immaterial.
Commission: Answer the question.
Q Did he ever send you over there with reference to the note? A Yes sir.
Q I will ask you to state to the Commission what Baxter Prather told you to say to Lenora Prather concerning this note and what you did say to her when you went over to see her about it? A I went over to get him to come to Muskogee for me.
Q You went to see him Baxter? A He wouldn't do that.
He told me to go back and tell Lenora that if she would give up the $150.00 note she had of his that he would go and if she didn't he would do everything he could against her.
Q Did you tell her that? A Yes sir.
Q Where was it that you and Lenora Prather wanted him to come? A To Muskogee.
Q What for? A To be a witness in our case.
Q Where, before the Dawes Commission? A Before the Dawes Commission.
Q You say he refused to do that? A Yes sir.
Q And made this statement to you? A Yes sir.
Q Did you tell Mrs. Prather that? A Yes sir.
Q When was this that you went to him and this conversation was had and you told Mrs. Prather about it? A About the first of June.
Q Did you ever hear Baxter Prather say that he would do or give anything to keep Lenora Prather from being enrolled? A He said he would give twenty-five dollars to keep her off the roll.
Q How many times did you hear that? A About a dozen.
Q Frequently was it? A Yes sir, most every time they talked about it.
Q Did he tell you what note it was that she had? A The note that she had against him she sued him for a portion of that estate that he kept back.
Q It was a note that he had given her to balance up the suit in the estate? A Yes sir.
Q Do you know whether she gave up that note or not? A I don't think she did.
Q She didn't send it back by you did she? A No sir.
J.G.Starr: Where were you living in 1895? A I was living right beyond Sallisaw, close to Hanson.
Q Where were you living when your father died? A We were going to school at Southwest.
Q How long did you continue to live at Southwest City you yourself?
A We weren't there very long.
Q Where did you go from Southwest City? A I went to Rogers to school.
Q How long did you stay there? A About three months.
Q Where were you in 1898? A I was with my sister close to Hanson, Indian Territory.
Q How long did you stay there? A I stayed there about six months I guess.
Q What time in '98 was that? A That was in the fall of '98.
Q What time did you go there to Hanson in '98? A I don't remember the dates. I know I was there about six months, then I went from there to my grandfather in Arkansas and stayed there a few months

and went to school and then I come back up here.

S. P. Bagby, being sworn and examined, testified as follows:
By P.S.Davis: State your name? A S. P. Bagby.
Q Postoffice? A Grove, Indian Territory.
Q How old are you? A Thirty-two years old.
Q What business are you engaged in? A Farming and stock business principally.
Q Are you acquainted with Lenora Prather the applicant in this case?
A Yes sir.
Q How long have you known her? A Well, I have known her about fifteen years possibly. I wasn't so well acquainted with her up until about two or three years.
Q You have known who she was for about the last fifteen years? A Yes sir, I knew her father at Maysville then.
Q Did you ever live near Bentonville, Arkansas, where she lived?
A Yes sir.
Q How far from where she lived? A About fourteen or fifteen miles west.
Q Was that before she married Richard L. Prather? A Yes sir.
Q Where were you living in January, 1897? A Moved to what is known as Bert Hampton's farm on Cowskin Prairie;about the first of January we got possession of it.
Q Of what year? A Of '97.
Q Where is this Bert Hampton place situated in reference to Lenora Prather's place? A Adjoining farms.
Q How long did you live on this place after you moved in from the first to the tenth of January, '97? A Two years.
Q Was Lenora Prather living on her farm when you moved down on the Hampton place in January, '97? A No sir, I think not.
Q When did she move down on her place and been living there after you moved on the Hampton place? A Some time in the spring of '98 she moved outfromSouthwest City.
Q Your best judgment what time in the spring of '98? A To my best judgment it was some time about May it might have been the first of June; I rather think in May.
Q In 1898? A Yes sir.
Q How do you fix this time? A I can very well remember it was '97 the time I moved there and being somewhat acquainted with the people; the man that lived on the place and taken charge of it lived across on a portion of the Prather farm, Mr. McMahan, and she taken possession of the house that Mrs. Prather moved into the second day I was on t he place.
Q McMahan took possession along after Mrs. Prather moved out? A That is the reason I believe.
Q Were you ever over to Mrs. Prather after she moved on to the place along in May, '98? A I was by there, I believe I was through the house at one time, I disremember the other.
Q What did she have in the house? A Stoves and beds and some furniture.
Q And a kitchen stove? A Yes sir, stoves.
Q Was she keeping house there or not? A Yes sir, she came out there and stayed for a while, I don't remember the time she stayed there; she would go back to Southwest City over night and then bring back some other stuff. She was there during the summer from the time she moved, I am not positive how long,it was cold. I believe she had a brother building a house there or repairing it or something and she was out there during this time. If I aint mistaken they come down there and got some work done by my place, about three hundred yards of my place, and he stated that his sister had gone to town and wanted to get some cooking done.
Q Those were [illegible] hands of Lenora Prather got your [illegible] to do some cooking for them during the time when Lenora Prather was in Southwest City on business? A Yes sir.

Q Now you state that your house was about three hundred yards from where Mrs. Prather lived after she moved down on her farm in the spring of '98? A Yes sir.
Q About how much of the time did she stay on this place after she moved down there? A She was there backward and forward; I guess she stayed there as much as one-half of the time and possibly more the best of my recollection.
Q How long did you know her to stay there at any time when she would come back? A I couldn't hardly be positive as to how long, a week or something like that or two weeks and probably a month; she might have been gone a night during that time. I passed there every day but I couldn't be positive how long she ever stayed at one time.
Q Did she have her child with her when she was down there? A Yes sir.
Q Did her brother and these men fix the roof on her house before she moved or while she was living there? A At the time she was living there; they used her bedding and stayed there in the house.
Q How many houses was on her place at that time? A Two houses on this tract of land that was known as her place at that time.
Q Was there anybody living in the house that she took possession of when she first moved down there besides herself? A No, I believe not.
Q Do you know about when it was that these parties fixed the roof on her house, her brother and these parties? A I was building a corn crib just before corn gathering time, when this man was over to my house saying something about boards or else I got them from him I don't remember, but I was building a corn crib to gather corn in September, I wouldn't be positive.
Q About what month was it? A In September I think.
Q In September, '98? A Yes sir.
Q Are you able to state of your own knowledge whether or not Lenora Prather ever left the territory to make her home in the states permanently after the time she moved down on this place in May, '98? A I couldn't say that she ever did, I don't know it, I couldn't say she did or did not.
Q Have you known her since that time? A Yes sir.
Q Has she always been living or making her home in the territory since then or partly so? A Yes sir, so far as I know she has lived at Grove for the last two or three years.
Q Do you know where she is living now? A Yes sir.
Q Where? A In the town of Grove.
Q Has she had this farm to your knowledge since she moved down in the early spring of '98? A Yes sir.
Q She has always owned the farm? A My uncle rented the place from her two years; I was there when they made the contract.
Q She still owns this farm? A Yes sir.
Q Are you living in that neighborhood yet? A I live at Grove.
Q Have you been living there ever since you took possession of the Hampton place in '97, in that vicinity? A Yes sir.
Q Are you any kin to Lenora Prather? A No sir.
Q Have you been any interest in this suit? A No sir.
J.G.Starr: How long did you say Mrs. Prather had been living in Grove? A I have been there a little over two years I believe; she was there when I came there, probably two years or not so much.
Q You are not sure? A No sir, not right positive.
Q When did you say she came out to the farm to live there? A In '98.
Q What time? A Along in the spring.
Q What property did she take out there? A Household goods.
Q How much household goods? A I couldn't say how much; I was in the house at one time, - stoves, beds and chairs.
Q You were just in the house one time that year? A I wouldn't be positive, I remember of one time going over there for something in the house; I couldn't say I might have been there more times. I remember this one time.

S-Lemora Prather-

Q Isn't it a matter of fact, didn't she spend about as much of her time in Southwest City as she did out there? A She was backward and forward to Southwest City.

Q Didn't she go back and forward and be as much in Southwest City as she would on her farm? A I couldn't be positive about that because she was there; as I told you she would be over there a day or two and then she would be backgone I would go by there; I couldn't say positively whether she was in Southwest City more or less or on the place.

Q Didn't she have a house in Southwest City at that time? A Yes sir, I think so.

Q Didn't she stay at her house in Southwest City when she left her farm? A Yes sir.

Q Didn't she go back to Southwest City when she left the farm? A I am not acquainted as to that, Mr. Sterr.

Q You don't know how long she lived in Southwest City after this time? A No sir, I do not.

Q Isn't it a matter of fact that she moved from Southwest City to Grove when she moved to Grove? A I couldn't say that, possibly so, but I wasn't acquainted with her affairs, I couldn't say whether she moved her stuff from Southwest City or not, I am not acquainted.

Q Do you know what time in 1900 it was that you were through her house? A It was some time during the spring, May or June. I couldn't state exactly.

Q Are you positive that it was the year 1900? A I am positive it was the year 1900.

Q Are you sure it wasn't 1899? A I told you I was positive.

Q How do you know it was 1900 you saw her out there? A I am positive I lived on this place two years and it was the second year I lived there.

P.S.Harris: You moved down there in '97 and it was the next year after you moved down there? A Yes Sir, that is the time and that is how I am positive.

Q You had a contract with him to take possession in January '99?
A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Pinkerton

Subscribed and sworn to before me this 28th day of November, 1902.

B. H. Jones
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of LENORA FRATHER, for the enrollment of herself as a citizen by intermarriage, of the Cherokee Nation, and for the enrollment of her two children ALL BROWN FRATHER and MOOID FRATHER, as citizens by blood of the Cherokee Nation:

Appearances:
Preston S. Davis, Esq., of Vinita, for applicants,
W. W. Hastings, Esq., for the Cherokee Nation:

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the application of Lenora Frather to be appointed as administratrix of the estate of R. L. Frather, deceased, in McDonald County, Missouri, on the 19th day of January, 1900; together with a certified copy of the letters of administration; also a certificate of J. F. Caldwell, Judge and ex-officio Clerk of the Probate Court of McDonald County, Missouri, certifying that Lenora Frather, as administratrix of the estate of R. L. Frather, deceased, made final settlement of said estate on the 24th day of December, 1900.

Mr. Davis: Applicant objects to the introduction of any certificate which purports to give any facts that can be given by living witnesses, the ruling of the Commission being that they have to produce witnesses where they can be produced, and applicant says that the same ruling should be applied to the Cherokee Nation; and as to the letters of administration, we object; and we object to the giving----

Mr. Hastings: The Cherokee Nation introduces that testimony for the purpose of showing that, if Lenora Frather was appointed administratrix of the estate of R. L. Frather, deceased, in McDonald County, Missouri, she must have been a citizen and a resident of that county and State, and that she must have intended to remain a citizen of that State and county until final settlement of the estate, which, as this certificate shows, was made on December 24, 1900.

Mr. Davis: Applicant objects to the introduction of the testimony of counsel for the Cherokee Nation, he not being under oath. Letters of administration have been introduced showing that the applicant was administratrix of the estate of R. L. Frather, deceased in December, 1900. The law authors requires a certificate showing that the applicant was a resident of Missouri in 1900 or 1901, when the settlement was made to the court, it being a further fact that the administratrix may settle up an estate after having removed from the State where the administration is pending; therefore, we object to this certificate as evidence, unless the Commission by its ruling requires that these matters be proven by witnesses.

Mr. Hastings: The Cherokee Nation desires to introduce the testimony of James Turner.

JAMES TURNER, called as a witness on the part of the Cherokee Nation, being duly sworn by the Commission, and examined, testified as follows:

Examined by T. T. Hastings:

Q What is your name ? A James Turner.
Q What is your age ? A Forty four.
Q What is your post office address ? A Southwest City, Missouri.
Q Do you know Lenora Prather ? A Yes sir.
Q Did you know her when she became the wife of R. L. Prather ?
A I did.
Q Where was she living at that time ?
A She was living at Maysville, her folks was; she was living with them I suppose.
Q After her marriage to R. L. Prather, where did she live ?
A At Southwest City, Missouri.
Q Was she living in Southwest City, Missouri, at the time of R. L. Prather's death ? A Yes sir.
Q Do you know about when that occurred ?
A It was, I think it was in 1894 or 1895, I aint positive as to that.
Q Did she continue to live there after his death ? A Yes sir.
Q How long did she continue to live in Southwest City, Missouri, after the death of R. L. Prather ?
A Why I don't remember distinctly, it was some four or five years.
Q When did she live there, from his death for four or five years afterwards you say ? A Yes sir, I think about that.
Q Well, when did she leave Southwest City ?
A She either left there in the spring of 1899 or 1900, and I aint positive which. It was either in 1899 or 1900 that she moved from there to the Grove.
Q Was that ever in the Cherokee Nation ? A Yes sir.
Q Did she live in Southwest City, Missouri, continuously from the time of her marriage to R. L. Prather up until she left there, as you say, in the spring of 1899 or 1900 ?
A Well, I can't say as to that positively, that was her permanent home I guess, but she was gone every summer from Southwest City after that.
Q Where was she gone ? A I don't know, but she was gone during the summer.
Q Where were you living then ? A At that time I was living northwest of Vinita about ten miles.
Q You never heard where she was gone ? A No sir.
Q Do you know what summer it was she went away ?
A No, I aint positive.
Q Was it before or after R. L. Prather's death ?
A It was after.
Q How long after ? A I think it was two years after his death.
Q Then it was in 1896 or 1897 ? A It must have been.
Q That was the summer, then, that she was gone; she was gone part or all of that summer ? A I don't know how long.
Q Do you know if she retained her home and residence in Southwest City ? A All she had on the place was there I suppose.
Q Did she have a house over there ? A Yes sir.
Q Did she keep house there ? A Yes sir.
Q Did she own a home or rent a house ?
A I suppose it was hers, it was left her along with the estate; I suppose it was hers, as long as she retained it.
Q Mr. Turner, I will ask you if your wife is any relation to Lenora Prather ? A She is not.
Q Isn't she her step-mother ? A Yes sir.
Q No blood relation ? A No sir.

Q With the exception of that one summer she was gone, she resided, after her marriage to R. L. Prather, in South West City, Missouri, until the spring of 1899 or 1900 ? A Yes sir.
Q She made that her home ? A Of course she might have been out and in somewhere, I don't know where all she had been, but there was her home.
Q Thered there her household effects were ? A Yes sir.

Examined by P. S. David:

Q Did you know Lenora Prather before she married ? A Yes sir.
Q What was her name before she was married ?
A It was--I aint positive whether I can giver her name now before she married; I can give you her maiden name.
Q Well, what was her name when she married R. L. Prather, you say you know her ?
A I can't say what it was now.
Q You don't know what her name was ?
A Her name was Lyons.
Q What Lyons ? What was her given name ? A Lenora.
Q Have you been keeping tab on Lenora Prather ever since she married Richard L. Prather ? A I have been close to them in a business way.
Q You have been keeping account of her, and putting down an account of her in a book haven't you ? A No sir.
Q How do you know where she has been and where she hasn't been ?
A For the simple reason I have been in her house often.
Q Where were you living in the early spring of 1898 ?
A In Cowweescowee district about ten miles northwest of Vinita.
Q How far is it from Vinita to Southwest City ?
A About forty miles.
Q Do you know where Lenora Prather was living in the early spring of 1898, the last of May or the first of June, of 1898 ?
A She was in Southwest City.
Q How do you know ? A I was there.
Q Are you able to swear of your own knowledge that she was keeping house and living in Southwest City in May or June, 1898, of your own personal knowledge now ? Do you know for certain she was there ? A To the best of my knowledge she was living there
Q You say you knew Richard L. Prather in his lifetime ?
A Yes sir.
Q Did he have a place near Grover, Indian Territory, while he was living ? A Yes sir.
Q Didn't he own that place at the time of his death ? A Yes sir.
Q Isn't it a fact that the applicant in this case has owned that place ever since his death ? A Yes sir.
Q Doesn't she now own it ? A Yes sir.
Q I will ask you if it isn't a fact that Lenora Prather lived on her place down there in the latter part of May or the early part of June, 1898 ? A I can't say positive as to that, I know she lived some place down there in 1898.
Q Do you remember what time in 1898 ? A No sir.
Q Wasn't it in May or June, 1898 ? A I don't know.
Q Wasn't it in the spring ? A It was sometime in the summer.
Q Of 1898 ? A Yes sir.
Q She lived on this place that they owned at the death of her husband ? A Yes sir.
Q Isn't it a fact that from the time she moved down there up until the present time, if she hasn't made the Territory as much her home, if not more, than she has the State of Missouri ?
A I guess from that time to this she has made the Territory more her home than anywhere else.
Q More than she has Missouri ? A Yes sir.
Q Where is she living now ? A At home.

Q Still on this place you are talking about ? A Yes sir.
Q Are her children living with her ? A Yes sir. That is, I suppose they are; they was not long since.
Q You say your wife is her step-mother ? A No sir. I said she is my wife's step-mother.
Q Lenora Prather is your wife's step-mother ? A Yes sir.

Examined by Mr. Hastings:

Q I will ask you if she moved herself down on this place when she moved this stuff down there in the spring of 1898, or whether she moved down there in 1899 ?
A She moved those things on the place in 1898.
Q Where did she continue to live ? A She was living at Southwest City at the time she moved there; after she moved the things there.
Q Did she continue to live in Southwest City ?
A She was backwards and forwards to Southwest City.
Q Where was her home ? A I suppose it was in Southwest City.
Q Did she have household goods up there ? A Part of them.
Q When did she finally move from Southwest City down on the place ?
A It was either in 1899 or 1900, I wouldn't say positive which. I never taken down an account of it as Mr. Davis says.

Examined by Mr. Davis:

Q But from the spring or summer of 1898, up to the present time, you say she has made the Territory more her home than Missouri ?
A Yes sir.
Q She's been living in the house on the place ?
A I don't know that she made the place her home.
Q She had some household stuff there ? A Yes sir.
Q And she made that more her home than Missouri ?
A She made Grove her home.
Q She had a house in the Grove too ? A Yes sir, and she has now.

By Mr. Hastings:

Q What I am trying to get at is not from 1898 up to the present time, but in the year 1898, where did she make her home during the year 1898, up to the spring of 1899 ?
A I think she made it at Southwest City, Missouri.

By Mr. Davis:

Q You say in the spring of 1898 she moved on the place ?
A In 1898, in the spring, she moved some things on the place.
Q From the time she moved up till now she has made her home more in the Territory than in the State ? A Yes sir.

By Mr. Hastings:

Q From 1898 up to the present time would be four years ?
A Yes sir.
Q You mean by that that during the majority of that time, which would be three years, a majority of that time, she has lived and made her home in the Territory ? A Yes sir.

By Mr. Davis: Applicant objects to that for the reason that he is the witness, and the question is leading and argumentative, and calling for a conclusion of the witness, he being the Chickasaw Nation's witness.

By Mr. Hastings:

Q He is asking you if you know the majority of the time from the spring of 1898 x up to the present time. What I am trying to get you to do is to apply this to the year 1898; of course three years from the spring of 1898 to the present time would be a majority of four years, but how about the year 1898 ?

By Mr. Davis: Applicant objects to counsel for the Cherokee Nation making an argument by way of explanation to his witness as to his question xxx and as to the answer he wants from the witness, with his own witness, the same being uncalled for and out of the rules of evidence and contrary to law.

The witness: I can answer the question.

Mr. Hastings: Well answer them.

The witness: Up to the present time since 1898, she has lived a majority of the time in the Territory.
Q How about during the year 1898 ?
A Well, during the year 1898, I suppose she lived more in the State of Missouri.
Q Don't you know it ? A Yes sir, I will say I know it.
Q And she moved down there in 1899 or 1900 ?
A Yes sir, I aint positive which year.
Q Then you meant that, taking the whole length of time from the spring of 1898 to the present time, which is four years, that a majority of four years she has lived in the Territory ?

By Mr. Davis: Applicant objects to that because it is argumentative and leading.

Mr. Hastings to witness: Is that what you mean ?
A Yes sir, that's the way I construed it.
Q You didn't mean to say that she lived the majority of 1898 in the Territory ? A No sir.

By Mr. Davis:

Q You mean to say that, in the spring of 1899 or 1900, she quit living altogether in Southwest City, in the State of Missouri, and lived from that time on, subsequently, in the Cherokee Nation ?
A Yes sir.
Q From the time she first moved onto this farm in the spring or summer of 1898, as you have testified, I will ask you if, from that time on she has lived more in the Nation than in Missouri ?
A She has up to the present date.
Q Do you say then, from the time she first moved from the State of Missouri into the Cherokee Nation, she has spent the greater part of her time in the Cherokee Nation ? A Yes sir.
Q And, finally, in the spring of 1899 or 1900, she moved altogether to the Cherokee Nation, and quit going back to Missouri ?
A I won't say she quit going back, but she made her home in the Cherokee Nation, at Grove.
Q From the time she moved down there in the spring of 1898 she has been in the Territory more than she has in Missouri ?
A Yes sir.
Q From the x time she started in on that place she has been the part of the time in the Territory ? A Yes sir.
Q And from 1899 or 1900, she has quit living in Missouri, and made her home in the Cherokee Nation ? A Yes sir.

By Mr. Hastings:

Q Mr. Turner, do you understand from the purport of his question that he includes not only the year 1898, but he crowds the years all since then, together, and then he makes you say that from the spring of 1898, all during the years 1898, as well as those other years since then, that she lived the majority of the time in the Cherokee Nation, do you mean to say that she lived the most of the time of 1898 in the Cherokee Nation ?

By Mr. Davis: Applicant objects to any argument by way of explanation made by counsel for the Cherokee Nation to his own witness, the same being his own witness, and he has no right to lead the witness or to make any argument to him as a witness, as to the question he wants answered.

By Mr. Hastings:

Q He comes in and confuses you ever time by putting in this objection, I want you to understand what I say to you now, I want you to be frank with this Commission, and say if the year 1898, segregated from all other years, where did she live that year, the year of 1898?
A I will say she lived in Southwest City, Missouri, most of the time during that year.

By Mr. Davis:

Q Isn't it a fact and haven't you testified that from the time she moved down in the spring of 1898, if she didn't spend the most of her time in the Cherokee Nation ? A Yes sir.
Q She hasn't spent any of her time in Missouri since she moved permanently ? A No sir.
Q Then, since she has been going back from the Territory to the State of Missouri, she has spent the greater part of the time in the Territory ? A That's owing to what time she has been going backwards and forwards.
Q Isn't it a fact that she spent a greater part of the time in the Territory ? A I said since 1898 up to the present time, yes sir.
Q Since she moved there, she has been there all the time ?
A Yes sir.
Q During that time, since she has been going backwards and forwards didn't she spend the most of her time in the Territory ?
A Yes sir.

By Mr. Hastings:

Q She didn't spend the most of the time of 1898 here did she ?
A No sir.

By Mr. Davis:

Q Where were you living in 1898 ? A Part of the time in Cooweescoowee District near Vinita.
Q How far from Southwest City, Missouri ?
A About forty five or fifty miles.
Q Do you know of your own knowledge what Lenora Prather was doing then ? A I was over there a part of the time.
Q You made a trip near Vinita and spent most of your time in Southwest City ? A I put on my Skin Swindle.
Q Do you know what Lenora Prather was doing during the year 1898, of your own personal knowledge ? A No sir.

Q Then you don't know whether she was spending the most of her time in the State of Missouri, or in the Indian Territory ? Are you able to state of your own knowledge ? A Yes sir.
Q Able to state what ?
A I am able to state that she spent the most of the time in Southwest City.
Q From January to November, 1898 ? A Yes sir.
Q You were spending all of your time in the Territory ?
A No sir.
Q You were living ten miles northwest of Vinita, fifty miles away and yet you knew that Lenora Prather, from your own personal, absolute knowledge, that Lenora Prather spent more time in Southwest City, Missouri, than she did in the Cherokee Nation; is that what you mean to say to this Commission; up to November. From January to November, now, in 1898 ?
A No sir, I can't say that because I wasn't there. She made that her home; but I wasn't with her all time, and I can't say that.

By Mr. Hastings:

Q You had some settlement of an estate with her, didn't you ?
A Yes sir, I did.
Q I will ask you if that didn't throw you with her more or less during that time ? A Yes sir.
Q During the time you knew her where was she living, during 1898 ?
A In Southwest City, Missouri.

Mr. Hastings: Come now the representatives of the Cherokee Nation, and move to continue this case until November 20, 1908, for the purpose of securing additional testimony as to the residence of Lenora Prather in 1898, and particularly on June 28, 1898.

A. B. ROSS, called as a witness in behalf of the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

Q State your name ? A A. B. Ross.
Q What is your age ? A I am fifty four.
Q What is your citizenship, United States or Cherokee ?
A United States.
Q Where do you live ? A At Southwest City, Missouri.
Q How long have you lived there ? A Nine years.
Q Are you acquainted with Lenora Prather, the applicant in this case ? A Yes sir.
Q Were you acquainted with her husband, Richard L. Prather, in his life time ? A Yes sir.
Q How long have you known Lenora parties ?
A Ever since I have been in Southwest City—nine years.
Q Where were you living at the beginning of the year 1898 ?
A At Southwest City, Missouri; the same place I have always lived since I have been there.
Q Did you know Lenora Prather at that time ?
A Yes sir.
Q Where she was living at that time ?
A Most every day to where I lived.
Q In the home of Lenora Prather living away from Southwest City, Missouri, along in the spring of 1898 ?

Mr. Hastings: You don't put the words in his mouth.

Q Do you know of her leaving at any time ? Do you know of her moving anywhere ?
A It was in April of 1898, I suppose.
Q Where did she go ? A To the Territory; that's what she said, on one of her farms.
Q Do you know whether or not during the lifetime of her husband, they owned a farm in the Cherokee Nation ?
A Yes sir, two or three of them.
Q Do you know whether or not they had one near Grove, Indian Territory? A Yes sir, the farms lay in that direction from Southwest City.
Q Then Lenora Prather moved in April, 1898, as you remember it, to the Territory ? A Yes sir.
Q Where did she make her home from that time on ?
A She was in the Territory most of the time, occasionally she was on her place at Southwest City until she sold it.
Q Do you know when she sold her place in Southwest City ?
A I think it was in 1899.
Q From the time she moved in April, 1898, or in the spring of 1898, during the year 1898, where did she make her home ?
A It was pretty well divided up between the two places, the place in the Territory and Southwest City; she had a place in the Cherokee Nation she looked after.
Q She would go back and forth ? A Yes sir.
Q Do you know why she moved to the Cherokee Nation ?
A She said she moved there on account of holding her right as a citizen.
Q Did she have any children at that time ? A Yes sir.
Q Did she take her children with her ? A Yes sir.
Q Were you ever down to her place after she moved ?
A No sir.
Q Does she still own this same place ? A I can't say.
Q Where is she living now ?
A She is living at Grove.
A Cherokee Nation ? A Yes sir.
Q Do you know how long she has been living in the town of Grove ?
A No sir.
Q Who subpoenaed you as a witness ? A The Cherokee Nation.
Q How many times have you been subpoenaed by the Cherokee Nation as a witness ? A Twice.
Q When were you to have appeared here before Mr. Ross ?
A On the 15th of October, I think.
Q Did you appear ? A No sir.
Q Why ?

By Mr. Hastings: I submit that it don't make a particle of difference on earth this man appeared at any other time; and furthermore we never would have granted them the courtesy of calling up this case; and they could have stayed here all night, but in order to accommodate them we agreed to call this case----

By Mr. Davis: Applicant desires to state that the counsel for the Cherokee Nation insinuated that the attorney for the applicant had been talking to the witness; and those questions are simply being asked to show that this witness has not been tampered with by the applicant in any manner, shape, form or fashion, and I desire to ask my question why he didn't appear on October 15.

Q Why didn't you come Mr. Ross ? A The train was late in coming from Roebe to Vinita, and I didn't get there in time.
Q I will ask you if I have ever talked with you in regard to what your testimony in this case would be ? A No sir.

By Mr. Hastings:

Q Didn't you talk with him this morning about this case ?
A I didn't see him this morning.
Q Haven't you talked with him today about it ?
A Only Mr. Turner and I together wanted him to get the case up so we could get away on the train.
Q He didn't talk out there with you about it ? A No sir.
Q Didn't he tell you he wanted you to testify ?
A He came down a while ago and told me.
Q Didn't he ever tell you that before ? A No sir.
Q What did this woman take out there on the place in 1898 ?
A She took a lot of furniture and cooking utensils.
Q Did she keep part of her furniture in town ?
A She kept part of it, yes sir.
Q Any beds or bedding ? A I don't know.
Q How far did you live from her ? A The houses are about forty feet apart.
Q Why don't you know whether she had any furniture in the house ?
A I don't think she did
Q Didn't you see her there cooking and eating there after April, 1899 ? A When she came back she did.
Q She cooked and ate there didn't she ? A Yes sir.
Q She occupied that house until she sold it, didn't she ?
A Part of the time.
Q Did anybody else except herself occupy it until she sold it ?
A I won't be sure, but she had a party living there part of the time, I think.
Q But she had some things in there all the time ? A Yes sir.
Q And she stayed there herself until she sold it in 1899 ?
A She stayed there when she came back from the Indian Territory.
Q Did you ever see her in the Territory ? A No sir.
Q Did you ever see any of her farms ? A Yes sir.
Q Where ? A I can't say; I saw them this last spring. I was driving out through the country, and they were pointed out to me.
Q That was the first time ? A Yes sir.
Q You never saw the farm in 1898 did you ? A No sir.
Q All you have testified about her being there you have heard ?
A Yes sir.
Q You never saw her on the farm in 1898 ? A No sir.
Q But you did see her in Southwest City, Missouri ? A Yes sir.
Q You saw her leaving there ? A Yes sir.
Q And she left that place in 1899 ? A Yes sir.

By Mr. Davis:

Q You were living in Southwest City in 1898 ? A Yes sir.
Q You were not living near Grove at that time ? A No sir.
Q What business were you engaged in ? A I was bookkeeper in the Bank at Southwest City.
Q Are you still in that business ? A Yes sir.
Q Have you any interest in this case ? A Not a bit.
Q You are not kin to the parties involved ?
A No sir, none whatever.

Exh. D 16 ---18

E. O. Bagwell, on oath states that, he stenographed in the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the stenographic notes thereof.

E. O. Bagwell

Subscribed and sworn to before me this [illegible] day of [illegible] 1918.

B. E. Jones
Notary Public.

Q In the fall you go down into the Territory and hire out to Tom, Dick and Harry to gather corn ? A Yes sir.
Q Where were you in the fall of 1899, where were you and [illegible] were you doing ? A I was at work at home that year.
Q In Arkansas ? A Yes sir.
Q Can you read and write ? A Yes sir.
Q You keep track of dates so [illegible]
Q What impressed this 1899 on your mind, how did you happen think about it ? A Why----
Q Who did you talk to about this weather business, [illegible] honest about it ? [illegible] seen talkin [illegible] it
A Why, Prat [illegible] and [illegible] that has ever talk to me about it. [illegible] Pratt's way or [illegible] liked to [illegible] about it A [illegible] Here in town.
Q Where [illegible] before A Down there.
[illegible] Pratt [illegible]
Q Have you ever [illegible] weather [illegible] since [illegible] in [illegible] case [illegible] went there [illegible] money wed some money [illegible]
Q How long did you [illegible] in place ?
[illegible]
Q And you tell [illegible] about coming down here [illegible] down here [illegible] that fifteen minutes
A [illegible] more [illegible] to tell him I would have to have some money to come down here, and would [illegible] to borrow some of [illegible]
Q [illegible] talk with him about [illegible] was [illegible] whether [illegible] about that, [illegible] never talked over the circumstances.
Q Never said a word about it ? A No sir.
Q You are positive about that ? A Yes sir.
Q That as positive about that as you are about [illegible] as [illegible] that ? [illegible] sir.

Mr. Pratt.

Q You are a poor man aren't you ? A Yes sir.
Q You didn't have money to come down here ? A No sir, I didn't

Cher
Supp'l to D 16

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 10, 1902.

In the matter of the application of LENORA PRATHER, for the enrollment of herself as a citizen by intermarriage, and her two minor children, SAM HOUSTON and MAGGIE PRATHER, as citizens by blood, of the Cherokee Nation:

Appearances:
Preston S. Davis, Esq., Vinita, for applicants;
W. W. Hastings, Esq., for Cherokee Nation.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

D. H. WILSON, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A D. H. Wilson.
Q Where do you live Mr. Wilson ? A Vinita, Indian Territory.
Q Are you a practicing attorney up there ? A Yes sir.
Q Where did you live during the year 1898 ?
A At the same place; Vinita.
Q I will ask you if you knew R. L. Prather, during his lifetime ?
A No sir.
Q I will ask you if you knew his widow after his death ?
A Yes sir.
Q I will ask you if you had anything to do with R. L. Prather's estate ? A Yes sir I was appointed administrator on it.
Q When were you appointed administrator of the estate of R. L. Prather, deceased ? A In November, 1898.
Q I will ask you if you took any steps to appraise his effects?
A Yes sir.
Q Were you appointed by the United States Court at Vinita ?
A Yes sir.
Q When did you have appraisers appointed and make an appraisement of the estate ? A It was in November, 1898, right away after I was appointed.
Q Well, where was the property belonging to the R. L. Prather estate situated ? A It was all on Cow Skin prairie in the Cherokee Nation, excepting some debts that were transitory, of course, at different places.
Q Did you go over on Cow Skin prairie in the Cherokee Nation to look over this property ? A Yes sir.
Q Did you go with the appraisers ? A Yes sir.
Q Do you remember who appointed them ? A I selected them, under the law the administrator selects the appraisers.
Q Who were they ? A Nat Perry was one, another was Erastus Leonard, and I am not sure, but I think Hugh Sellers was one, and then a day or so later I appointed three more because of the different location of this property, and I couldn't practically take these with me. I don't remember the last three.
Q Well, did you find Mrs. Prather out on this farm in Delaware District, Cherokee Nation ? A No sir.
Q Well, during this time, while you were making this appraisement, did you see her ? A Yes sir.
Q Where did you see her ? A I saw her at her home in Southwest City, Missouri.
Q About what time was that ? A That was during the month of November, 1898.
Q Did you go to her house ? A Yes sir I was at her house.

Q Had you prior to that time made inquiry as to where she was ?
A Yes sir.
Q Upon that you went to Southwest City ? A Yes sir.
Q You found her there ? A Yes sir.
Q You hadn't known her before that time ? A No sir.
Q Did she have any children ? A My recollection is that she had two, and I think I remember seeing one.
Q Well, she was keeping house there, was she, at that time ?
A Yes sir.
Q Had household effects there ? A Yes sir.
Q Who administered upon her estate; was any part of Dick Prather's estate in Missouri ? A I understand so, yes sir.
Q Did you administer upon that ? A No sir.
Q Someone in the State of Missouri administered upon that ?
A Yes, I understand she did.
Q Well, how long were you engaged with this estate as administrator?
A Ever since; I have not been discharged yet.
Q Did you have occasion to see her after that time ?
A Yes sir I have seen her quite a number of times since then.
Q Well how long after November, 1898, before you saw her again ?
A Well, I wouldn't be sure whether it was the following spring, or a year from the following spring.
Q You never saw her any more that year ? A I think not.

Examined by P. S. Davis:

Q What property did Lenora Prather have in the Cherokee Nation or estate of Richard L. Prather have in the Cherokee Nation in November, 1898, when you had the same appraised ?
A If Lenora Prather had any property I don't know of it. The estate of Richard L. Prather had property consisting of a number of farms over there on Cow Skin prairie in the Cherokee Nation, and the crops that were on them.
Q Were these farms improved ? A Yes sir.
Q What was the value, in your judgment, of the improvements upon these various places ? A Oh I don't know about that, I don't remember very well now. I expect they would approximate from fifteen to twenty five thousand dollars.
Q What live stock ? A Didn't find any.
Q Did you take charge of any as administrator of the estate of Richard L. Prather, deceased ? A No, I think not.
Q You say you inquired where Lenora Prather, the widow of Richard L. Prather, deceased, was living at the time you were over to appraise the effects of the estate ? A Yes sir.
Q I will ask you if you didn't learn, upon inquiry, that she was making her home a portion of the time upon one of these places in the Cherokee Nation ? A No sir, I didn't get any such information.
Q Did you go to either one of the other places ?
A Yes sir I was at all of them.
Q I will ask you if she didn't have some of her household effects on one of the places, and she was spending a portion of her time there, and had full charge of the same ?
A No sir, I didn't learn that; although if there was a statement of that kind made, it might have been possibly made, and I may have forgotten, I wouldn't say
Q You don't remember then, whether that statement was made to you ?
A No sir.
Q Do you know as a matter of fact, of your own knowledge, where Lenora Prather was living, the last of May, or first of June, 1896 ?
A No sir.
Q Your knowledge of Lenora Prather and her affairs dates from November, 1898, when you went up to make appraisement ? A Yes sir.

Q You said there was no property belonging to the estate that you had anything to do with, except some debts, outside of the farms and improvements you took charge of in the Cherokee Nation ?
A That's all.
Q Do you know where Lenora Prather lives Now ?
A Why I think she lives in the Indian Territory, at Grove. I was at her house once when I was at Grove since I was administrator.
Q In the Cherokee Nation ? A Yes sir.

Examined by W. W. Hastings:

Q Did she make any representation to you, when you were there in Southwest City, in November, 1898, about her living over in the Cherokee Nation at that time ? A No sir, I don't think she did; I am pretty well satisfied she didn't.

By Mr. Davis:

Q Do you remember whether she did or did not ?
A Not to that certainty that I could swear positively.
Q Might she not have told you that ? A She might.

By Mr. Hastings

Q Have you any reason to believe that she told you that ?
A No; my recollection is that she did not tell me anything of the kind.

By Mr. Davis:

Q Did you say she might ? A Yes, she might have done so.

NATHAN PERRY, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name ? A Nathan Perry.
Q What is your age ? A Forty six.
Q Where do you live ? A Near Grove.
Q Indian Territory ? A Indian Territory.
Q How long have you been living near there, near Grove ? In that neighborhood ? A On that place about twenty years.
Q Did you know Richard L. Prather during his lifetime ?
A Yes sir.
Q Did you know him about the time he died in 1894 ? A Yes sir
Q Where was he living at that time ? A Southwest City.
Q Missouri ? A Yes sir, Missouri.
Q I will ask you if he had any improvements over here in the Cherokee Nation ? A Oh yes sir, he had several hundred acres there right in the neighborhood.
Q How far were the houses on these farms from you ?
A One place, there is just a lane between my place and his.
Q He was living in Southwest City at the time he died ?
A Yes sir.
Q Did you know his wife ? A I never saw her until about two years ago, I guess. Yes, I guess her first in 1899.
Q Where ? A She was at the place, this Sam Nathan lived on the place at that time.
Q In 1899 ? A Yes sir.
Q About what time in 1899 ? A Well, in the early part of the spring, I remember I was up there to see him about getting some

xxxx planted, and she was there at that time.
Q Do you know anything about her having lived on this place in the year 1898 ? A Well, if she ever lived there I never knew of it.
Q You never knew of it ? A No sir.
Q You lived on the adjoining farm ? A Yes sir.
Q Well, did she ever live there at any time ?
A Not that I know of.
Q You never heard of it ? A No sir.
Q Were you one of the appraisers of the R. L. Prather estate, appointed by Mr. Wilson ? A Yes sir.
Q Do you remember when that was ? A I think it was in 1898, in November or December.
Q Of 1898 ? A Yes sir.
Q Did you go around to these houses on the R. L. Prather farm at that time to inspect them with the view of appraising them ?
A We wasn't at this particular house, we met rather on the other side where there was some property further over there west , there was three places; this particular place she claims, I was on the place, but not at the house.
Q Did you see anything of her ? A No sir.
Q You didn't go over to Southwest City with them ? A No sir.
Q Do you remember whether inquiry was made as to where she lived at that time ? A Yes sir, I remember of Mr. Wilson speaking of going down there the next day.
Q To Southwest City ? A Yes sir.
Q But you didn't go ? A No, I didn't go any further.

Examined by Mr. Davis:

Q Mr. Perry, where do you live now ? A I live on the same farm I have lived on there for twenty years, right east of Grove.
Q How many farms did Richard L. Prather have on Cow Skin prairie at the time of his death ? A About three farms, I believe.
Q How far was each one of these farms from where you lived ?
A One was just across the lane from my place, just a lane between us; the place that this widow owns or farms is just across the lane.
Q Well, where is the second one ? A It joins this one she owns on the east.
Q How far was the house on the second place from your house ?
A On the second place ?
Q Yes sir ? A The house on her place is about three-quarters of a mile from the house I live in.
Q That is the one she claims ? A Yes sir.
Q How far is the house on the next place ?
A A mile and a quarter.
Q How far is the house on the other place ? A About two miles and a half.
Q Do you mean to tell this Commission that this woman Lenora Prather didn't move down to one of these places and live there off and on, spending part of the time on the place and part of the time in Southwest City, the last of May or the first of June, 1898 ?
A If she ever lived there I don't know of it.
Q You won't say she didn't ? A. If she had I would have known of it.
Q You don't mean to say she didn't do it ? A No sir.
Q You mean to say you didn't hear of it ? A Yes sir.

By Mr. Hastings:

Q Is that a prairie country ? A Yes sir.
Q How far can you see from your place ? A While there is no timber there, over all cow skin prairie.

Q Is there any timber between you and the farthest place ?
A No sir.

By Mr. Davis:

Q Who subpoenaed you ? A Baxter Prather.
Q What kin is Baxter Prather to Richard L. Prather, deceased ?
A Brother.
Q Are you a neighbor to Baxter Prather ? A Yes sir.
Q A neighbor ? A Yes sir.
Q Do you belong to the same lodge ? A No sir.
Q You are friendly ? A So far as I know we are; never had any difficulty.

C. E. LEONARD, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings

Q What is your name ? A C. E. Leonard.
Q Where do you live ? A In Pineville.
Q Missouri ? A Yes sir.
Q What is your age ? A About thirty seven.
Q Did you live in the Cherokee Nation in the year 1898 ?
A No sir, I lived in the Seneca Nation on the line of the Cherokee Nation.
Q In 1898 ? A Yes sir.
Q How long did you live in that neighborhood ? A About 2 years.
Q Did you know R. L. Prather at the time he died ? A Yes sir.
Q How long had you known him ? A About 12 or 14 years. I had livedneighbor to him before that.
Q Where did you move from to the Seneca Nation ?
A From the Cherokee Nation, near Dick Prather's place.
Q Did you know Dick Prather, or R. L. Prather's widow ?
A Yes sir.
Q When did you first learn to know her ?
A Why when Dick married her.
Q Where were they living when he died ? A Southwest City.
Q Missouri ? A Yes sir.
Q When did you next have occasion to see her after his death ?
A Why I seen her frequently after his death at Southwest City, in passing around I seen her between times. I went to her house in October, 1898.
Q Where was she living then ? A Southwest City, Missouri.
Q Did you have a conversation with her in October, 1898 ?
A I had a conversation with her in regard to some corn I had bought from the estate.
Q Do you know how long she had been living there at that time ?
A Why if she ever lived anywhere else except right there I didn't know anything about it.
Q Well, you were one of the appraisers appointed by Mr. Wilson to appraise that R. L. Prather estate ? A Yes sir, part of it. The part near Southwest City.
Q Do you remember when that was ? A If I am not mistaken it was somewhere along the last of this month in 1898.
Q The last of November, in 1898 ? A Yes sir.
Q Did you go out to the farm at that time ? Out to the Prather farm on the cow skin prairie ? A Why I had been to the farm that morning looking after some corn, and then went on to Southwest City to look after the corn business, and went over there to the other place southwest of Southwest City, and that's the one I helped to appraise.

Q You helped to appraise one over in the Territory ?
A Yes sir. I had bought this corn from Judge Yeargain, the administrator, on the prairie, and I went over there to see about it, and Mr. Wilson come over there and stopped me from moving the corn, so I went with him to Southwest City to see Mrs. Prather and Judge Yeargain about this corn. Mrs. Prather was also hauling some of the corn I bought from Judge Yeargain to Southwest City.
Q When you helped to appraise this other little place in November, 1898, where was she living ? A At Southwest City.
Q Do you know how long she continued to live there ?
A No sir, I do not. She moved to the Cherokee Nation I think in 1899. I was living in the Grove at the time she moved there.
Q Do you know where she moved from there ? A No sir, I don't.
Q Well, it was after you went to Grove that she moved there, which was sometime after November, 1898 ? A Yes sir, it was in 1899.

By Mr. Davis:

Q Mr. Leonard, do you know of your own knowledge whether or not Lenora Prather lived on one of the farms belonging to the Richard L. Prather estate in the Cherokee Nation during the year 1898, beginning along the latter part of May or the first of June, of that year, spending part of the time on the farm and part of the time at Southwest City ? A No sir.
Q You don't know if she did or not ? A No sir.
Q She might have done it and you not have known it ? A Yes sir.
Q You say in 1899 she moved to the town of Grove ?
A Yes sir, I think it was.
Q Along in the fall of 1898 you saw her in Southwest City ?
A Yes sir.
Q She was living there ? A Yes sir.
Q You say you don't know whether she was spending a portion of her time on one of the places or not ? A No sir.
Q Who served the subpoena on you to come here ?
A Calc Starr.
Q Was he over there on Cow Skin prairie ? A Yes sir.

J. C. STARR, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A J. C. Starr.
Q What is your age ? A Thirty two.
Q What is your post office address ? A Vinita.
Q Did you know Richard L. Prather during his lifetime ?
A Yes sir, I did.
Q I will ask you if you knew Mr. D. N. Wilson, who just left the stand ? A Yes sir.
Q I will ask you if you remember the circumstance of his having been appointed administrator of the estate of R. L. Prather, after his death ? A Yes sir, I do.
Q Do you remember when it was ? A It was in the fall of 1898.
Q I will ask you if you had any connection with the appraisement of that estate, and if so, what ? A I went along with Mr. Wilson as an officer--I was a Notary Public--to swear the appraisers.
Q Where did you go ? A Went to Cow Skin prairie, and while there the property of R. L. Prather, deceased, was appraised by the appraisers.

Q What did it consist of ? A Farms.
Q Did you go around to these different houses on these farms ?
A Yes sir, I did.
Q Did you see anything of Mrs. R. L. Prather, now the applicant Lenora Prather, on any of the farms in the Cherokee Nation when you went there to have these appraisements made ?
A No sir, I did not.
Q Did you go on to Southwest City, Missouri ? A Yes sir.
Q I will ask you if you saw Mrs. Prather over there ?
A Yes sir.
Q Were you at her house ? A Yes sir.
Q Was she living there ? A Yes sir.
Q Did she make any claim, at that time, to be living in the Cherokee Nation ? A I never heard of any claim being made at that time.
Q She was living there, just as any other person would be living in the house ? A Yes sir.
Q Is there anything else you desire to state ? You are stenographer for the Cherokee Nation aren't you Mr. Starr ?
A Yes sir.
Q I will ask you whether Baxter Prather or any one else ever offered you any consideration whatever to prosecute this case ?
A He did not and no one else ever did.

Examined by Mr. Davis:

Q You have had this case in charge, Mr. Starr, up until recently ?
A Yes sir.
Q You have been taking considerable interest in it haven't you ?
A Yes sir.
Q You have been over on Cow Skin prairie several times hunting up testimony ? A I have been over there once.
Q You always go to Baxter Prather's when you go ?
A No sir, I have never been there but once, and I went on other business at that time.
Q You have written him a great many letters ?
A I have written him two.
Q You have also written to Joe Yeargain about it ? A Yes sir, and to other people also.
Q At the time you went over there to help appraise this property, were all the houses on these various farms occupied, did you see people actually living in the houses at that time, or not ?
A I don't remember about all of them; we went to the houses and appraised the property there, but I don't remember about that.
Q Do you know if at that time Lenora Prather had some household stuff in one of the houses on one of the places, and claiming it as her home, and making it her home part of the time ?
A I didn't see anything that belonged to her.
Q Are you able to state of your own personal knowledge that Lenora Prather did not have one of these houses furnished with household stuff and kitchen utensils, and that she was not spending part of her time on the place ? A I didn't see anything that was hers, or claimed for her at the time.
Q Just answer my question, do you know of your own knowledge that she did not have charge of one of those houses ? A No sir.
Q I will ask you if such a thing is not possible, that she might have been down there the latter part of May or the first of June, and on down to the fall of 1898 ? A It might have been possible.
Q Where were you living then ?
A I had my household things in Vinita, but I was staying most of the time in Grove.
Q How far was your family located from you ?
A My family was located in Grove at that time. I was out there frequently during that year.

Q Do you know the Prather places ? A I don't know that I do; I know those that were shown to me.
Q Were you at all the Prather places frequently during the year 1898 ? A I was in that country frequently.
Q But were you on the Prather places frequently any more than anyone else ? A No sir, I was there the year they appraised them.
Q Were you on all the Prather places ? A On all that were pointed out to the appraisers to be his.
Q You simply appraised what was pointed out to you ?
A Yes sir.
Q You don't know whether that was all her owned or not ?
A No, I don't.
Q You simply appraised what was pointed out to you by the administrator ? A Yes sir, I was with them when the appraisers appraised them.

JACOB LEWIS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name ? A Jacob Lewis.
Q How old are you Mr. Lewis ? A Fifty nine.
Q Where do you live ? A I live in Arkansas, at Gravett.

By Mr. Davis:

Q Were you convicted of a felony ? A No sir.
Q Have you ever been in the penitentiary at any time ?
A No sir.

By Mr. Hastings:

Q How long have you been living at Gravett, Arkansas ?
A I have been living there about thirteen years.
Q I will ask you if at any time during the year 1898 you stayed in the Cherokee Nation ? A I stayed there part of the year.
Q When; what time ? A From about the middle of August until the first of November.
Q About two months or two months and a half ? A Yes sir.
Q Where did you stay ? A I stayed on what is known as the widow Prather's place.
Q What is that, on what prairie ? A It was on what is called Cow Skin prairie.
Q How far from the town of Grove ? A I think they call it about six miles to the Grove.
Q You are not very well acquainted up there ? A Not very well.
Q Who did you work for ? A Mr. McMahan.
Q Was he a renter on the place ? A Yes sir.
Q Did you work for him from August until about November, 1898 ?
A Yes sir.
Q What were you doing there ? A I was working corn, and helping to husk corn.
Q Did you learn to know Mrs. R. L. Prather while you were there, or did you know her before ? A No, I didn't know her before. I seen her several times while I was there.
Q Where did she live while you were there ?
A She told me she lived in Southwest City.
Q Missouri ? A Yes sir.

Q Well, did she live out there ? A No sir she wasn't living out there.
Q Did she come out there now and then ?
A Yessir she was out there several times.
Q How long would she stay when she was out there ?
A Why I don't know as I could tell exactly how long it was.
Q Did she ever stay over night ? A Not to my knowledge.
Q You never knew her to stay over night ? A No sir.
Q She would come out and go back the same day ? A Yes sir.
Q Well, what did she come for ? A Said she come out to see about her place.
Q Looking after her place ? A Yes sir.
Q Did she have any children with her ?
A She brought a couple of children with her pretty much every time she come.
Q She would take them back with her would she ? A Yes sir.
Q They never stayed out there did they ? A No sir.
Q I will ask you if she had any household effects out there ?
A Why she brought some household effects out there while I was there.
Q That was after you went out there ? A Yes sir.
Q What did they consist of ? A Some bedding, and a bed and a few chairs.
Q Did she use them ? A No sir.
Q Well, who did ? A I used the bed considerable myself, she told me I could have the use of it.
Q She never brought them out there until after you went there, and that was about the first of August, 1898 ?
A Yes sir, it was about the middle of August.
Q That you went there ? A Yes sir.
Q Well, did you hear anything said at that time about her having any other personal property on the place before that ?
A No sir, she claimed to have corn on the place.
Q I mean household effects ? A No sir, I never heard her say anything about it.
Q Did you hear anybody else on the place say that she had any household effects there other than those you mentioned, that were brought there after you went there ? A No sir, I never heard of any others.
Q Do you know what became of these household effects ?
A No sir, I don't; they were there when I went away.
Q Where was she when you went away, say in November, 1898 ?
A I can't say where she was for I didn't see her.
Q You never did see her at Southwest City ? A No sir, I never did.
Q Had you understood at the time that she lived there ?
A Yes sir.
Q Was Jess Turner out there with you at that time ?
A He stayed there part of the time.
Q Where is he now ? A He is working part of Jim Turner's place, so I am told.
Q Do you know whether his wife is sick or not ? A I don't know, for I didn't see her. I have heard that she was sick.
Q Do you know whether he was subpoenaed as a witness in this case ? A Yes sir he was.
Q You understood that that was the reason of his not appearing, that his wife was sick ? A Yes sir.
Q You say he was there on the place part of the time while you were there ? A Yes sir, he was staying there with me.

Examined by Mr. Davis:

Q Who subpoenaed you ? A Why Mr. Prather.
Q Baxter Prather ? A Yes sir.
Q What kin is he to Richard L. Prather, deceased ?
A He claims to be a brother.
Q Where were you ? A I was on what is called widow Prather's place.
Q How came you to be there ? A I come down to pick corn for Mike Nichols.
Q What did Baxter Prather say to you ? A He didn't say anything, only he said he understood I was there in 1898.
Q How much money did he give you to come down here on ?
A He didn't give me any.
Q Didn't he lend you some money to come down here to pay expenses ?
A Yes sir he loaned me a little.
Q How much ? A I borrowed three dollars of him.
Q Do you mean to tell this Commission of your own knowledge that Mrs. Prather didn't have any other household effects on any of her places before, you testified, she brought some stuff down there after August first in 1898 ? A I didn't testify to any such thing.
Q You don't know, do you ? A No sir, she might have had things there before that for all I know.
Q Did you ever live on any other farms of her's ? A No sir.
Q Do you know how many other farms she has ? A No sir. There is two houses there.
Q Do you know how many other places she has ? A No sir.
Q How many years ago was it since you were down there working for McMahon, from now ? A It was four years ago this fall.
Q Hasn't it been five years ago this fall ? A No sir.
Q How do you know it was in 1898 ? How do you know you were picking corn for McMahon in 1898 ?
A What makes me know that is, I know it was four years ago this fall.
Q Well how now; did you set it down ? A No sir.
Q Was your attention especially called to the fact at that time, that it was 1898 ? A No sir.
Q Have you had any reason to remember it since that time; didn't the matter of the year come up there that day when you were subpoenaed by Baxter Prather ? A No sir.
Q Who refreshed your memory, did Baxter Prather talk it over with you there ? A No sir.
Q Did he ask you when you were there ? A No sir.
Q Didn't you state a while ago that you had a conversation with him in which he said you were there in 1898, and wanted you to come down and testify, and loaned you three dollars ?
A I told him he would have to let me have three dollars to come on, for I didn't have any.
Q Didn't you swear a while ago that he told you that you were down there in 1898 ? A I don't think I did.
Q Didn't you have that conversation ? As a matter of fact didn't he refresh your memory to say that it was in 1898, and that that was what you were coming down here for, to say it was 1898 ?
A No sir. If it hadn't been 1898 I wouldn't have said it.
Q What was you doing there in 1897 ? A In the fall of 1897 I picked corn for the same fellow, Mike Nichols.
Q Where were you in November, 1897 ? Do you know; are you able to swear now what you were doing and where you were in November, 1897 ? A In the fall of 1897 I was at Joe Martin's picking corn.
Q Where were you in November, 1896 ? A I picked corn there that year at Joe Martin's in 1896.
Q I thought you had been living in Arkansas for the last thirteen years ? A I have.

Q Did you spend most of your time in the Territory, just like Mrs. Prather lived in Southwest City, and spent most of her time in the Cherokee Nation ? A I went down there to pick corn.
Q You have been there most of the time ? A I have been there a good deal of the time in the fall.
Q You just came down there and hired out to these farmers to pick corn. ? A Yes sir.
Q What business are you in at home, what do you follow for a living, in Gravett ? A Various things, I work out in Gravett.
Q You have got no steady trade ? A No sir.
Q In the fall you go down into the Territory and hire out to Tom, Dick and Harry to gather corn ? A Yes sir.
Q Where were you in the fall of 1899; where were you and what were you doing ? A I was at work at home that year.
Q In Arkansas ? A Yes sir.
Q Can you read and write ? A Yes sir.
Q You keep track of dates do you ? A Yes sir.
Q What impressed this 1898 on your mind, how did you happen to think about it ? A Why----
Q Who did you talk to about this Prather business, just to be honest about it ? Who had been talking to you about it ?
A Mrs. Prather is the only one that has ever talked to me about it.
Q Hasn't Baxter Prather talked to you about it ? A No sir.
Q Where did you stay last night ? A Here in town.
Q Where did you stay the night before ? A Down there on the & widow Prather place.
Q Have you ever been to Baxter Prather's since you were subpoenaed in this case ? A I went there yesterday morning and borrowed some money of him.
Q How long did you stay at his place ?
A About fifteen minutes.
Q Did you tell him about coming down here and what you were coming down here for during that fifteen minutes ?
A No sir, nothing more than to tell him I would have to have some money to come down here, and would have to borrow some of him.
Q Didn't you talk with him about when it was you were down there, whether it was in 1897 or 1898 ? A He never said a word about that, and we never talked over the circumstances at all.
Q Never said a word about it ? A No sir.
Q You are positive about that ? A Yes sir.
Q Just as positive about that as you are about anything else you have testified to ? A Yes sir.

By Mr. Hastings:

Q You are a poor man aren't you ? A Yes sir.
Q You didn't have means to come down here ? A No sir, I didn't.
Q You borrowed money to come ? A Yes sir.
Q And expect to pay it back when you return ?
A Yes sir, that's what I expect.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 12, 1906.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 5 1903

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 14th, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage and for the enrollment of her children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation.

Supplemental to D-16.

The attorney for the applicant, on October 18th, 1902, was notified that this case would be held open, for the introduction of further testimony either by the applicant or by the representative of the Cherokee Nation, until the 14th day of November, 1902.

The applicant and her attorney have this day, to-wit: the 14th day of November, 1902, been called and fail to respond.

The Cherokee Nation offers in evidence the certificate of Charles L. Dry, city clerk of Southwest City, Missouri, under the seal of said city, of date November 12th, 1902, certifying that the records show that the applicant, Lenora Prather, had paid taxes on household goods for the year 1898 and 1899.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings and that the same is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and swern to before me this 5th day of February, 1903.

Notary Public.

Copy of Application 116

State of Missouri }
County of McDonald } ss

Lenora Prather being duly sworn says that R. L. Prather late of said County, died at South West City McDonald County Mo. on the 10 day of January 1905:

Intestate and the following are the names, and places of residences of the heirs of the deceased, to the best of her knowledge and belief viz:

(1). Lenora Prather (widow) resides at S. W. City McDonald County Missouri

(2) Georgia Ann Prather residence McDonald County Mo.

(3) Jessee Prather - residence McDonald County Mo.

(4) Sam Houston Prather - residence McDonald County Missouri

(5) Callie Prather - residence Indian Territory.

(6) Richard Prather - residence Indian Territory.

(7). Minnie Turner - residence Vinita Indian Territory.

That she will make a perfect inventory ... faithfully administer all the estate of the deceased and pay the debts as far as the assets will extend and the law direct and account for and pay all assets which shall come to her possession or knowledge.

That she is the widow of said decd.

Lenora Prather

Subscribed and sworn to before me this 18th January 8" 1895

(Seal)

commission expires Mar. 11th 1896

D. E. Havens
Notary Public

No. 220. CERTIFICATE OF TRUE COPY. PRINTED AND FOR SALE BY STANDARD PRINTING CO., HANNIBAL, MO Class 1 B.

STATE OF MISSOURI,
COUNTY OF McDonald } SS.

I, J. R. Caldwell Judge and Ex officio Clerk of the Probate Court in and for said County, hereby certify that the above is a true copy of the original application for letters of administration on Estate of K. L. Prather dec'd. as filed by Lenora Prather ~~the the same appears~~ on file in my office ~~in my office~~

WITNESS my hand and the seal of said Court. Done at office in Pineville Mo this 30th day of October 1902 ~~AD.~~

J. R. Caldwell Judge and Ex officio
Clerk of probate

Copy of

LETTERS OF ADMINISTRATION.

GRANTED TO

ON ESTATE OF

Dated , 1

No. 28. PRINTED AND FOR SALE BY STANDARD PRINTING CO., HANNIBAL, MO. Class 4.

Copy

LETTERS OF ADMINISTRATION.

STATE OF MISSOURI,
County of Mc Donald } ss. IN THE PROBATE COURT.

To all Persons to Whom these Presents shall Come--Greeting:

Know Ye, That ~~Whereas~~, R. L. Prather late of the County of Mc Donald, and State of Missouri, died intestate as it is said, having at the time of his death, property in this State which may be lost, destroyed or diminished in value, if speedy care be not taken of the same; To the end, therefore, that said property may be collected, preserved and disposed of according to law;

WE DO HEREBY APPOINT Lenora Prather

administratrix of all and singular, the Goods and Chattels, Rights and Credits, which were of the said R. L. Prather at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys due said deceased, and, in general, to do and perform all other acts and things which are or hereafter may be required of her by law.

IN TESTIMONY WHEREOF, I J. P. Caldwell Clerk of the Probate Court, in and for the County of Mc Donald, hereto sign my name, and affix the seal of said Court at office in Pineville Mo. this 19th day of January A. D. 1895

(Seal)

J. P. Caldwell
Clerk of Probate Court

STATE OF MISSOURI,
County of Mc Donald } ss. IN THE OFFICE OF THE PROBATE COURT.

I, J. P. Caldwell Clerk of the PROBATE COURT, within and for said County, do hereby certify that the within Letters of Administration are duly recorded in my office in Book A for recording letters of administration at page 228

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said Court, at my office in Pineville Mo. this 5th day of March A. D. 1895

(Seal)

J. P. Caldwell
Clerk

No. 226. CERTIFICATE OF TRUE COPY PRINTED AND FOR SALE BY STANDARD PRINTING CO., HANNIBAL, MO. Class 18.

or diminished in value, if speedy care be not taken of the same; To the end, therefore, that said property may be collected, preserved and disposed of according to law;

WE DO HEREBY APPOINT Eudora Prather

administratrix of all and singular, the Goods and Chattels, Rights and Credits, which were of the said R. L. Prather at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys due said deceased, and, in general, to do and perform all other acts and things which are or hereafter may be required of her by law

IN TESTIMONY WHEREOF, I J. P. Caldwell Clerk of the Probate Court, in and for the County of Mc Donald, hereto sign my name, and affix the seal of said Court at office in Pineville Mo. this 19th day of January A. D. 1895

(Seal)

J. P. Caldwell
Clerk of Probate Court

STATE OF MISSOURI,
County of Mc Donald } ss. IN THE OFFICE OF THE PROBATE COURT.

I, J. P. Caldwell Clerk of the PROBATE COURT, within and for said County, do hereby certify that the within Letters of Administration are duly recorded in my office in Book A for recording letters of administration at page 228

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said Court, at my office in Pineville Mo. this 9th day of March A. D. 1895

(Seal)

J. P. Caldwell
Clerk

No. 286. CERTIFICATE OF TRUE COPY. PRINTED AND FOR SALE BY STANDARD PRINTING CO., MARSHALL, MO. Class 18.

STATE OF MISSOURI
Mc Donald } ss. I, J. P. Caldwell, judge and ex-officio Clerk of the Probate Court in and for said County, hereby certify that the annexed and foregoing is a true copy of Letters of Administration on the estate of R. L. Prather, deceased, as appears of record in my office.

In Witness Whereof, I have hereunto set my hand and the seal of said Court, done at my office in Pineville Mo. this 19th day of January A. D. 1895.

J. P. Caldwell
Clerk of the Probate Court

Certificate of
date of final settlement

No 116

State of Missouri)
County of McDonald) ss

I J. P. Caldwell Judge and ex officio Clerk of the probate Court of McDonald Co. Mo. do hereby certify that Emora Prather administratrix of the Estate of R. L. Prather dec'd. made final settlement of said Estate on 29th day of December 1898, which said final settlement was by the Court approved.

In testimony whereof I hereunto set my hand, and affix the seal of our said Probate Court. At office in Pineville Mo.

This 30th day of October 1902

J. P. Caldwell Judge
and Exofficio Clerk of Probate Court

The following are true copies of the papers herein set forth.

Office Supreme Ct.

Room Tahlequah C N.

I hereby certify that the case of the Cherokee Nation VS. Caroline C. Prather, has from the submitted testimony been decided in favor of the Claimant. That Caroline C. Prather is entitled to Cherokee Citizenship by blood: and entitled to all the rights and privileges as such.

Decr. 19th. 1870 R. B. Daniel

C. J. S. Ct.

I certify that the above certificate is a true copy of the original.

S. S. Stephens

Clk. Protem

Special Crt. Commis.

This is to certify by me that R. A. Prather A white man was Lisend to marry Caroline Rogers A Female Cherokee on the 5th. day Feb. 1869 and the Licenes Executed and Returned Feb. the 14th. 1869 Being with according to the act past by the National Council Baring Date Oct. the 15th. 1855 In Regard to white Men Maring in this Nation

T. J. Mc. Ghee Clk.

D. C. D. D. C. N.

Clerk Office Delaware Dist. C. N.

This is to certify by me that the above is a true copy that appears on the old Marriage Record Book on file in the Clerk office Delaware District Cherokee Nation.

Witness My Hand And Seal of office on this the 16th. Day July 1886

(Signed) T. J. Mc. Ghee

Delaware District. Clerk Delaware Dist. C. N.

(SEAL)

Chev. D-16

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Geo Rustin
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

B O Jones
Notary Public.

Docket A-243 243.

R. A. Prather,

Office Commission on Citizenship, C.N.

June 27" 1887.

Cherokee Nation

C Docket	No. Family	(VS)	Attorney.
	1 1	R. A. Prather &	
242		Caroline Prather	

Case called June 27" 1887. W. P. Boudinot and by consent of parries was E. C. Boudinot. continued until Aug. 11" 1887.

~~The above case was tried Aug. 18" 1887. And has since that time been~~ awaiting the action of the Commission of Citizenship upon the charge of fraud and bribery having been used in securing the judgment on the Commission, granting said Prathers citizenship in the Cherokee Nation (See, 18th? Sec. of an Act of Dec. 8th. 1886.) The case was duly tried and the Nation's Atty. Hon. R. F. Wyly used every endeavor to ferret out the alleged charge. This case was tried and admitted to citizenship Dec. 19" 1870 by the Bob Daniels Court of Commission. The witnesses in this are all about dead and the original testimony upon which the commission based their opinion has nearly all been lost in consequence of which, the attorney for the Nation had but little margin to work on.

We the Commission on Citizenship fail to find that fraud or bribery has been resorted to by said Prathers in obtaining their citizenship in the Cherokee Nation, on Dec. 19th. 1870-

We find for the defendants in this cause.

#2.

J. T. Adiar, Chairman Commission.

D. W. Lipe, Commissioner.

H. C. Barnes, Commissioner.

Office Com- on Citizenship,

Tahlequah, I.T., Nov. 1st. 1888.

I, William M. Gulager, Assistant Executive Secretary hereby certify that the above is a true and literal copy of the page given and is now a matter of record in this Department.
Given this 15" Oct. 1896.

(Signed) William M. Gullager,
Asst. Ex. Secretary.

Seal of the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

Notary Public.

Printed Seal Ex. Dept. EXECUTIVE DEPARTMENT,
Cherokee Nation, Ind. Ter.
Tahlequah, July 13" 1886.

I, W. P. Boudinot, Executive Secretary of the Cherokee Nation, hereby certify this the following copy to-wit:-

COPY.

" No.1 Whites and Indians admitted to Cherokee Rights and Citizenship
.....

" No.	Names.	Of what Blood.	How admitted.	From what Dist.
" 21	Caroline C. Prather, and children to-wit:-	Cherokee.	Admitted by blood.	Delaware.
	Richard L. Prather.			
	Margaret J., Robt. F.			
	Harriet L., Sam'l A.			
	Thos. W., Georgie E.			

. . . . . .

" is a true and correct copy from the aforesaid record made and kept on file in this Department of the original report of the Chief Justice and Clerk of the Supreme Court of the Cherokee Nation, sitting as a "Court of Commissions" by authority of an Act of the National Council of the Cherokee Nation approved Dec. 3sd. 1869, to try and finally decide claims for Cherokee Citizenship--the said original report recorded as aforesaid being dated the 21st. day of June, 1871, and signed by "R. B. Daniel, Chief Justice of the Supreme Court", and by "W. H. Turner Clerk Supreme Court", and the record of this department showing that the said signatures were acknowledged as genuine and their report authentic.

In witness whereof I hereunto set my hand and affix the seal of this Department on this the date first above written.

(Signed) W. P. Boudinot.
Executive Secretary, C.N.

Seal of the Cherokee Nation.

Executive Department
Cherokee Nation.

I hereby certify that the Supreme Court of the Cherokee Nation was duly authorized by Act of Council approved Dec. 3" 1869 to try, and finally decide applications for admission to Cherokee citizenship and to permanently admit or reject such applicants, according to the evidence submitted by them severally to said court--and that the foregoing certified copy of proceedings of said Court, acting under said authority, and showing the admission of the Prather family, as designated by name in said copy, to Cherokee Citizenship, is a true and correct copy from the findings and decisions of said court as required by said act of Council to be reported and placed on file in this Department.

In witness whereof I hereunto set my hand and affix the seal of this Department on this the 3sd day of Nov. A.D. 1886.

9016

Department of the Interior,
Commission tothe Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

Notary Public.

Pocket D-16

Profile

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT SS.

I, Preston S. Davis, a Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting, do hereby certify that the above and foregoing papers hereto attached are true and correct copies of the papers they purport to be cppies of and that each of same was duly compared with the paper from which it was taken by me and found to be correct. That the papers of which these papers are copies are in the possession of Robt. A. Prather, of Vinita, I.T.

In testimony whereof Ihereunto set my hand and affix my official seal this the 12" day of July, A.D. 1900.

(SEAL) (Signed) Preston S. Davis

Notary Public.

My Com. Expires the 18" day of February, 1901.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

C. H. Dunn

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

B. O. Jones

Notary Public.

UNITED STATES OF AMERICA

INDIAN TERRITORY

SS.

NORTHERN....DISTRICT.

Affidavit of Mrs. Hattie A. Ware.

Mrs. Hattie A. Ware of lawful age being first by me duly sworn according to law on her oath deposes and says: My name is Hattie A. Ware, I am 35 years of age/ I reside in Vinita, I.T. I was married to Richard L. Prather under my maiden name of Hattie A. Carr on the 19" day of July, A. D. 1881 under the laws of the Cherokee Nation. After said marriage I lived with Mr. Parther about ten years as his wife and we had 3 children born to us, two of whom are still alive. I was lawfully divorced from Richard L. Parther, by a decree from the Circuit Court of Cooweescoowee District, Cherokee Nation, Indian Territory, at Claremore, I.T., in May, 1891. Mr. Pascal was my attorney and I saw Mr. Prather with the decree after it was granted and Mr. Prather kept this paper. I know that we were legally divorced according to the laws of the Cherokee Nation. We were both citizens of the Cherokee Nation by blood and the Circuit Court of Cooweescoowee District was the court of Competent jurisdiction to hear and determine divorce cases at that time between citizens of the Cherokee Nation. Since I was divorced from Mr. Prather I have married John M. Ware and am living with him in Vinita as his wife and there have bden born to us of this marriage two children. Richard L. Prather after we were divorced married a Mrs. Lenora Lion and lived with her as his wife up to his death. I know that Richard Prather and his wife Lenora Prather had two children born to them in lawful wedlock. Ihave no interest in this matter. I make this statement voluntarily and of my own free will.

(SEAL) (Signed) Hattie Ware

Subscribed and sworn to before me this the 12" day of July A.D 1900.

(Signed) Preston S. Davis.

My Com. Ex. Feb. 18" 1901.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

Notary Public.

The State of Texas,

County of Stonewall

M. S. Jackson, of lawful age and being by me first duly sworn on her oath deposes and sayeth as follows:-That she is Fifty four years old and resides in the county of Stonewall State of Texas, United States of America. In 1892 I resided in Claremore, Indian Territory; my widowed daughter Lenora Lyons, made her home with and then resided with me; her husband was dead; my said daughter now lives in Grove, Indian Territory and her name is now Mrs. Lenora Prather; her two infant children, Samuel H. aged seven and Maggie aged six live with her; her husband and their father, Richard L. Prather is now dead; he died in 1895; he was a Cherokee by blood, that is a Cherokee Indian and owned property near what is now called Grove, Indian Territory. On November 20th, 1892 my said daughter Lenora and the said Richard L. Prather were married at my house ~~in Claremore, Indian Territory; the Rev. Jack, a Methodist minister~~ of the Gospel, performed the ceremony; my information is that the said Jack is now dead; he was an old man then. Said Richard L. Prather and Lenora lived together un-interruptly and as man and wife until the death of said Richard L. Prather which occurred in 1895; I moved from the Indian Territory to this State in 1893. There were born unto the said Richard L. Prather and said Lenora two children, Samuel H. and Maggie aforesaid.

(Signed) M. S. Jackson.

Subscribed and sworn to before me this the said M. S. Jackson this 10th day of July 1901.

(SEAL) (Signed) W. J. Arrington
Notary Public. Stonewall Co Tex.

My Commission expires 1st day of June 1903.

Endorse: In the matter of the claim for Cherokee citizenship of Mrs. Lenora Prather and her two infant children, Samuel H. and Maggie

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1908.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of the said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and swonr to before me this 15th day of December 1908.

Notary Public.

The State of Texas, C D-16.

County of Ballam.

Nicholas S. Jackson, of lawful age and being by me first duly sworn, says and states as follows:- That he is 86 years old; resides in the county of Ballam and in the State of Texas, United States of America. In 1886 he resided in the town of Claremore, Indian Territory, United States of America; my daughter, the widow Lyons, that is now Lenora Prather, widow of Richard L. Prather, made her home with and resided with me. On November 20th, 1886 in my house at said town at Claremore, my said daughter, Lenora and Richard L. Prather, a Cherokee Indian by blood, were married; a preacher by the name of Jack performed the ceremonies; it is my understanding that the said Rev. Jack is now dead, he was an aged man then; said Richard L. Prather is now dead; he died in 1898; from the date of the marriage of the said Richard L. Prather and my daughter Lenora, they lived together uninterruptedly as man and wife up to the time of the death of said Richard L. Prather. There was born to them two children, Samuel H. aged seven; Maggie aged six; said Mrs. Lenora Prather and her two said children now reside in Grove, Indian Territory, Cherokee Nation. I moved from the Indian Territory to the State of Texas in 1893.

(Signed) Nicholas S. his X mark Jackson

Witness J. J. Daly

Subscribed and sworn to before me by the aforesaid Nicholas S. Jackson, this the 26th day of Augt 1901.

(Signed) R. B. Bigell J P.
& ex-officio Notary Public.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 18, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 18th day of December 1902.

Notary Public.

[illegible], Charles [illegible] [illegible],
Clerk of the city of South West City, McDonald County, Missouri, do hereby certify that I am the legal custodian of the record of taxes paid in the city of SouthWest City, McDonald County, Mo and I hereby certify that the records in my custody show that Lenora [illegible] has paid tax on household goods for the years 1898 and 1899.

Given under my hand and seal of office this 12 day of December 190[illegible].

((Seal))

Charles [illegible] [illegible]ry,
[illegible] Clerk, South West City, Mo.

[illegible]

[illegible] DEPARTMENT [illegible]

[illegible] COURTS [illegible] PS.

[illegible], December [illegible], 190[illegible].

[illegible] Chief Clerk of the Cherokee Department [illegible] the Five Civilized Tribes and custodian of the records [illegible] Division, do hereby certify that the above and [illegible] is [illegible] correct copy of [illegible] on file in the [illegible] Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 15th day of December, 1902.

Cherokee D-16

State of Missouri,
County of McDonald,
City of Southwest City.

I, Charles L. Dry, Clerk of the city of South West City, McDonald County, Missouri, do hereby certify that I am the legal custodian of the record of taxes paid in the city of SouthWest City, McDonald County, Mo and I hereby certify that the records in my custody show that Lembra Prather has paid tax on household goods for the years 1896 and 1898.

Given under my hand and seal of office this 12 Day of November 1902.

((SEAL))

Charles L. Dry,
City Clerk, Southwest City Mo.

:0:0:0

File with Cherokee D-16.

Cherokee Nation, Delaware District,
May 26th, 1888.

This agreement by and between R. L. Prather of the Cherokee Nation, party of the first part and Hattie A. Prather, his wife, party of the second part.

W i t n e s s e t h:

That the said R. L. Prather party of the first part, conveys, quitclaims and delivers and by these presents has conveyed, quitclaimed and delivered unto the said Hattie A. Prather, party of the second part, the following described property tewit:

One improvement situated in the Cherokee Nation adjoining the Seneca Reserve, north of the place of R. L. Prather, consisting of one house and fifty acres of land enclosed with a wire fence, with all the rights priveveges and appurtenances therete belonging; two cows and calves and all such house hold goods as said Hattie A. prather may select and it is further agreed by the said R. L. Prather of the first part, that the said Hattie A. prather may keep the children, two in number until such time as the said R L. prather may permit. It is further agreed that the said R. L. Prather shall maintain the said Hattie A. Prather as long as the said Hattie A. Prather shall have said children in charge. For and in consideration of the conveying, quitclaim and delivering the above described preertxy to said Hattie A. prather, the said Hattie A. prather by these articles does agree and by these articles, has agreed to a full and sufficient seperation and release of said R. L.Prather from the marriage Bonds as the wife of said R. L. Prather and the said Hattie A. Prather by this agreement, waives all legal rights as the wife of said R. L. Prather, not otherwise specified in this agreement.

Witness our hands and Seals on the dayx and year first above written.

SEAL

R. L.Prather.
Hattie A. Prather.

Witnesses,
D. W. Vann,
W? Angel.

Subscribed and sworn to before me this the 26th day of May, 1888.

P. L. Walker,
Deputy Clerk,
Delaware District, C.N.

A true copy of the original and recorded this 28th day of May 1888.

P. L. Walker,
Deputy Clerk,
Delaware District, C. N.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Terr.
November 1st, 1900.

I, A. B. Cunningham, assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the agreed seperation of R. L. Prather and Hattie A. Prather, as copied from the records of the Clerks of Delaware District, Cherokee Nation. Said records now being a part of the records of this office.

In testimony whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation, the year and date above written.

A. B. Cunningham,
Assistant Executive Secretary, C. N?

(S E A L)

COMMISSION
1902

United States of America,
Northern District,) S S.
Indian Territory.

I, S. F. Parks, a Notary Public in and for the above named District and Territory, do hereby certify that the within and foregoing agreement by and between R. L. Prather party of the first part and Hattie A. Prather, party of the second part, is a true and correct copy of the original as was to me presented.

Given under my hand and Seal as such Notary this the 21st day of November, A. D.1900.

S. F. Parks,
Notary Public.

My Commission expires September 28th 1904.
SEAL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. Sept. 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24th day of September, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
1900

In the Regular term of the Circuit Court for Goweseesewe District convened on the 12th day of May 1890, Hon. G. Dunge Presiding, Court convened at 9 o'clock A. M.

In the case of
Hattie A. Prather
vs.
Richard Prather. Confession of judgement by defendant with the following agreement to-wit; defendant enters a confession of judgment and a decree of absolute divorce is ordered by the Court and it is further ordered that the custody of the child Sallie Prather shall remain with Hattie Prather, Plaintiff, in accordance with the terms of the contract made on the 26th day of March 1890, and recorded in the Clerk's office in Goweseesewe District by R. L. Prather and Hattie Prather, together with all and singular the property mentioned in the said agreement to be the individual interests of Hattie Prather to have for her own use and control, without bar from R. L. Prather, this being not more than one half their mutual property.

Executive Department, Cherokee Nation
Tahlequah I. T., December 8, 1900.

I hereby certify that the above and foregoing is a true and correct copy of the record as shown by the Circuit Court Record of Goweseesewe District, so far as the same relates to the parties herein named, and that said Record is now on file in this office.

J. W. Parks,
SEAL. Executive Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. Sept. 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24, day of September, 1902.

Notary Public.

October [illegible]

Col. [illegible] Mendies,

Hartlesville, [illegible]

Dear Sir:-

You remember [illegible] you spoke to me something [illegible]

[illegible] father [illegible]. I expect all [illegible]

[illegible] except [illegible]

[illegible] and I can readily [illegible]

of the papers.

To should require these parties to furnish copies of papers upon which they base their claim. He was never admitted [illegible] was never married to his wife after his admission according to [illegible]

FILED
OCT 30 1907
COMMISSIONER OF THE GENERAL LAND OFFICE
DEPARTMENT OF THE INTERIOR

W. T. HUTCHINGS P. C. WEST
LAW OFFICES OF
Hutchings & West.
MUSCOGEE, IND. TER.

October 10th 1900.

Col T.B.Needles,

Bartlesville,I.T.

Dear Sir:--

You remember you spoke to me something about the Prather case. I expect all of theparties you admitted were corectly admitted,except the husband of Caroline Prather; he was improperly admitted and I can readily show you how that is by an inspection of the papers.

You should require those parties to furnish copies of the papers upon whih they base their claim. He was never admitted and was never married to his wife after his admission according to the laws of the Cherokee nation. The fact that his name was mentioned in one of the cases which were trying the question of fraud in the first judgement would not make him a citizen because all the authority that the second court had was to determine whether or not the first judgement was fraudulent and they had no authority to vary the first judgement in any way.

Caroline Prather and her children who were minors at the time of her admission as well as such as were born afterwards,in my judgement are legally entitled to be admitted and nobody else.

Yours truly,

C. Wm T Hutchings

JAN 1992

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREARINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30 1902

Mrs. Lenora Prather,

Checo, Indian Territory

Madam:

You are hereby notified that the application of yourself and your two minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 18th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Copy to Tandy G. Doyle,
Vinita, Ind. Ter.
Instructions,
Chickasaw 2-48

Cherokee Roll.

Muskogee, Indian Territory, June 18, 1902.

Lenora Frather,

Grove, Indian Territory.

Madam:

In the matter of your application for the enrollment of yourself and two minor children as citizens of the Cherokee Nation, you are advised that there was offered in evidence at the hearing of said case what purports to be an examined copy of a certified copy of the records of the Cherokee Nation, showing that Richard L. Frather among others, was admitted to citizenship in said Nation by the tribal authorities. The Commission is not disposed to consider this as competent evidence of that fact, for the reason that it is a copy of a copy.

You are therefore directed to supply this Commission on or before July 2, 1902, with proper documentary evidence showing that the said Richard L. Frather was admitted to citizenship in the Cherokee Nation by the tribal authorities; also to furnish to the Commission on or before said date, a certified copy of the license authorizing your marriage to Richard L. Frather, or if that is not obtainable, the testimony of some person who was present at the marriage, or other proper evidence thereof.

Yours truly,

Commissioner in Charge.

Enclosure.

Cherokee D-18.

Muskogee, Indian Territory, June 19, 1902.

Preston S. Davis,

Vinita, Indian Territory.

Sir:

In the matter of the application of Lenora Prather for the enrollment of herself and two minor children as citizens of the Cherokee Nation, you are advised that there was offered in evidence at the hearing of said case what purports to be an examined copy of a certified copy of the records of the Cherokee Nation, showing that Richard L. Prather, among others, was admitted to citizenship in said Nation by the tribal authorities. The Commission is not disposed to consider this as competent evidence of that fact, for the reason that it is a copy of a copy.

You are therefore directed to supply the Commission on or before July 5, 1902, with proper documentary evidence showing the admission of said Richard L. Prather to citizenship in said Nation by the tribal authorities; also to furnish to the Commission on or before said date a certified copy of the license, authorizing the marriage of Lenora Prather to Richard L. Prather, or if that is not obtainable the testimony of some person who was present at the marriage, or other proper evidence thereof.

Yours truly,

Registrar. Commission in Charge.

Cherokee B-112

Muskogee, Indian Territory, June 30, 1908.

Preston S. Davis, Esq.,
Attorney at Law,
Vinita, Indian Territory,

Dear Sir:

Enclosed herewith please find a copy of the supplemental proceedings had at Muskogee, Indian Territory, June 24, 1908, in the matter of the application of Lamera Prather et al, for enrollment as citizens of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

Encl. B-112.

Cherokee D 34

Muskogee, Indian Territory, July 7, 1902.

Mr. Preston S. Davis,

Vinita, Indian Territory.

Dear Sir:

We find among the files in the case of Lenora Prather, et al. an affidavit of Mrs. Hattie A. Ware, the former wife of Richard L. Prather, to the effect that Richard L. Prather and the affiant were divorced by a decree of the Circuit Court of Cooweescoowee District at Claremore, Indian Territory, in May 1891. This decree should be a matter of record and the affidavit of Mrs. Ware is not the best evidence. You are therefore requested to supply the Commission with a copy of this decree of divorce. The records are probably now in the possession of the Executive Secretary of the Cherokee Nation. You will be allowed until July 22, 1902 to comply with this request.

Yours truly,

Commissioner in Charge.

Registrar.

COPY.

Cherokee D-16-[illegible]
79-119.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, in the consolidated case of Sam Houston Prather et al., granting the applications for the enrollment of Sam Houston, Maggie and Jesse C. Prather, Effie and Margie Denton and Georgia A. and Sam H. Seabolt, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Enc. D-38

Chairman.

COPY.

Cherokee D-16.

Muskogee, Indian Territory, October 12, 1906.

Lenora Prather,

Grove, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting, among others, your application for the enrollment of your two minor children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-126

Register.

COPY

Cherokee D-16.

Muskogee, Indian Territory, October 12, 1903.

Preston S. Davis,

Attorney for Lenora Prather et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting, among others, the application of Lenora Prather for the enrollment of her two minor children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-127

Register.

Cher 10320

Effie Denton

Trans. from D79

Cher 10320

Ervie Denton - 3.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce Jones

Sworn to and subscribed before me this the 6th day of August, 1900.

Clifton R. Wier
Commissioner.

DOCUMENT DOES NOT CONSTITUTE PART OF THE TESTIMONY
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 6 1900
Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 6, 1900.

In the matter of the application of Effie Benton for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckenridge, she testified as follows:

Q What is your full name? A Effie Benton.
Q What is your age? A 16.
Q Why doesn't your mother or father apply for you, are you an orphan?
A Yes, sir.
Q What is your post office? A Sallisaw.
Q What is your district? Sequoyah? A Yes, sir.
Q How long have you lived in Sequoyah district? A As long as I can remember.
Q All your life? A Yes, sir.
Q Do you claim as a Cherokee by blood? A Yes, sir.
Q Are you married or single? A I am married.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Are you on the roll of 1894, when they drew the strip money?
A Yes, sir.
Q What was your name in 1894? A Effie Prather.
Q When were you married? A The 14th of last March.
Q Have you a certificate of marriage? A Yes, sir, this is it.
Q How old did you say you were? A I am 16, but it is 18 down there.

Q This madam, is a duly authenticated certificate and license of your marriage, showing that you were married as stated on the 15th day of March in this year. I believe you stated that you were married on the 14th of March, but this is not a very great deal of difference. This identifies you under your new name. I return this to you. Is your mother living? A No, sir.
Q Is she on the roll of 1880? A No, sir, she is a white woman.
Q What is your mother's name? A Bettie Prather.
Q Were your father and mother married in 1880? A Why I don't know
Q Are there other children in the family besides yourself? A Yes, sir.
Q Some older than you? A Yes, sir.
Q What is the age of the oldest of the children? A 20, I believe.
(On 1894 roll, page 448, No. 2500, Effie Prather, Delaware dist. On 1896 roll, page 514, No. 2582, Effie Prather, Delaware dist, 12 years old.)
Q Mrs. Benton, you present here a transcript from the Journal under date of 1870, showing the decision of what I understand to be the Supreme Court of the Cherokee Nation, on December 19, 1870, to the effect that one Caroline C. Prather is a Cherokee by blood and is entitled to the full rights and privileges of a Cherokee citizen. Was that Caroline C. Prather your grandmother? A Yes, sir.
Q There is also a duly certified transcript from the record of citizenship in 1896, page 18, "A". This states a certain list therein cited, containing the names, or at least is of the Prather family, and that it is copied from the official record made in the Executive Department on June 21, 1871, by the Supreme Court acting as a Court of Commission, and it further says in the transcript to which allusion is made that the said report is of record in this case. Now that document is signed W. P. Ross, Executive Secretary, November 28, 1896. In the list of names referred to occurs that of Caroline C. Prather. Is that your grandmother? A Yes, sir.
Q Do you claim that your grandmother's name is in that list or your father's? A Why, I don't know whether it is or not.
Q Here is Richard L. Prather, is that the name of your father?
A Yes, sir.
Q Now this record shows that these names were reported to this

Department by the Court, but it does not clearly indicate what the decision of that Court was with respect to these names, whether it was favorable or unfavorable. It seems that the Cherokee law provided that the Court shall report to the Executive Department its decision upon all applicants for citizenship, whether favorable or unfavorable, and therefore the fact that these names have been reported to the Executive Department does not of itself carry an favorable conclusion, nor does it of itself carry an unfavorably conclusion. Now reference is made in this transcript to the report, as it is called, of the Court supplying these names to the Executive Office. Do I understand you as saying that the first transcript referred to, dated December 19, 1870, is all that is furnished relative to said report? A Yes, sir, that is all.

Q Now that report which you speak of contains only the name, as herein evidenced, of Caroline C. Prather; can you explain that discrepancy? A I don't know, sir, that is all that can be found.

Q Now Mrs. Benton, you hand me here another paper, a duly authenticated transcript from the records of the office of the Committee on Citizenship, Tahlequah, Cherokee Nation, June 27, 1887, page 245, showing proceedings dated June 27, 1887 and August 11, 1887, in regard to the Prather claim to citizenship. The case appears to have been continued until August 18, 1887, and appears to be a final hearing of the old and original case of December 19, 1870, to which reference is made in the first paper of these proceedings submitted. Now in this present decision of the Commission it is determined out of all that has preceded that R. A. Prather and Caroline Prather are duly entitled to citizenship. Now I observe in the evidence of December 19, 1870, that one Caroline C. Prather is spoken of as having been admitted at that time, and that of all the names given in the list heretofore referred to from the record of citizenship, only the name of Caroline C. Prather is included at this time. This appears to be conclusive as regards Caroline C. Prather, and perhaps also as regards R. A. Prather, though it does not appear where or when his name entered into the proceedings. Now that R. A. Prather was the husband, was he, of Caroline C. Prather? A Yes, sir.

Q And therefore he was your grandfather? A Yes, sir.

Q Was your father living in August, 1887? A Why, I don't know, it has been about 6 years since he died.

(The Cherokee Nation introduced in evidence the Act of its Council approved December 5, 1869, and found on page 125 of the First Annual Report of the Dawes Commission; and also an amendatory act to the same, approved November 17, 1870, which will be hereafter furnished.)

Q I understand you to say, Mrs. Benton, that neither your father nor your mother are upon the roll of 1880? A I dont know whether they are or not.

(Roll of 1880 examined, and their names not found thereon.)

Q How old was your father when he died? A I don't know how old he was.

Q Your father was living before 1870, wasn't? A Yes, sir, I think so.

Q You have a brother, I think you said, 20 years old? A No, sir, I have a sister 20 years old.

Q So he was living in 1870 and had acquired considerable age at the time the action was first had on your grandmother's application?

A Yes, sir.

Mrs. Benton, your application will be placed upon a doubtful card for further consideration by the Commission, and when a decision is finally arrived at, you will be informed at your present post office address of the result, and the decision, whether favorable or unfavorable, will finally be referred to the Honorable Secretary of the Interior for his approval.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

JUN 1 1980
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UNIVERSITY OF ILLINOIS

R- 174

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 6 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District DELAW Year Page No. 2352

Citizen by blood OKEE. Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Transcript of Record and Proceedings in Citizenship 1867

Attached

A 579

C -

FILED
AUG 6 1900

[illegible] 1900.

Now [illegible] Government, with all respect [illegible] Continued, and the case of [illegible] Deputed being announced as ready [illegible] Documentary [illegible] 2 0'

[illegible] P.M. [illegible] adjournment [illegible] the [illegible] C.Prather is a [illegible] privilegen

[illegible], Cherokee Nation.

Tahlequah, Ind. Terr.

August, [illegible] 1900.

I, A. [illegible], do hereby certify that [illegible] copy [illegible] right of page [illegible] Court, 1971.

[illegible] Witness I hereunto [illegible] Nation this 2nd day of [illegible]

A B Cunningham

Assistant Executive Secretary.

POOR ORIGINAL -
BEST AVAILABLE COPY

[illegible]

[illegible]

CAROLINE C. PRATHER, and Children.

to Wit:

[illegible] L. Prather.
Margaret [illegible]
Robert P.
[illegible] L.
[illegible]
T[illegible] W.
[illegible]

Executive Department,
Cherokee Nation, I.T.

I hereby certify that the above list of name[illegible] of the Prather Family is true and correct [illegible] from the official Report made to this Department on June [illegible] by the Supreme Court [illegible] a Court of Claims [illegible] the National Council, Approved Dec. [illegible] 1890 [illegible] to the certain claims of [illegible] and to finally decide the same and to make report of [illegible] to this Department, and the said report is of record in [illegible].

In Witness Whereof, I hereunto set my hand and affix the seal of the Cherokee Nation on the 16th day of November A.D. 1892.

W.P. Boudinot,

Executive Secretary
C.N.

Executive Department, Cherokee
Nation.
Tahlequah, C.N. August, 2- 1900.

I, A.B. Cunningham, Assistant Executive Secretary, do hereby certify that the above and foregoing is a true and correct Transcript of Page 10- of Citizenship Record "A" 1880, Now a part of the Records of this Office.

In Witness Thereof, I hereunto Set my hand and affix the seal of the Cherokee Nation this 2nd, day of August, 1900.

A B Cunningham
Assistant Executive Secretary.

POOR ORIGINAL -
BEST AVAILABLE COPY

Transcript

Page, 243.

Office of Commission on Citizenship,
Tahlequah, C.N. June, 27- 1887.

Docket. No.

Cherokee Nation
Vs.
I R.A.Prather and
Caroline Prather.

Case called on June 27- 1887 and by consent of parties was continued until August 11- 1887.

Attorneys,
W.P.Boudinot and
E.C.Boudinot, Jr.

The above case was tried August 18- 1887, and since that time has been waiting the action of the Commission, on Citizenship on the Charge of Fraud and bribery having been used in securing the Judgment of said Commission granting said Prathers Citizenship in the Cherokee Nation, The Case was duly tried and the Nation's Attorney J.T.Ryly, used every endever to ferret out the alleged charges. The case was tried and admitted to Citizenship in Dec, 19 1870, by the " Bob Daniels" Court of Commission.

The Witnesses in this case are all about dead and the origonal testimony upon which the Commission based their opinion has been nearly all lost in consequence of which the Attorney for the Nation has but little margin to work on.

We the Commission on Citizenship failed to find that Fraud and bribery has been used by said Prather's in obtaining their Citizenship in the Cherokee Nation, on Dec. 19- 1870. We Find for the Defendants in this Case.

J.T.Adair, Chairman Commission.

D.W.Lipe, Commissioner,

H.M.Barnes, Commissioner.

I, A.B.Cunningham, Assistant Executive Secretary, do hereby Certify that the above and foregoing is a true and correct Transcript of page 243, of the Docket of the Commission on Citizenship, Vol. Now a part of the Records of this Office.

In Witness, Whereof I hereunto set my hand and affix the seal of the Cherokee Nation, this 2nd, day of August, 1900.

A.B.Cunningham
Assistant Executive Secretary.

POOR ORIGINAL -
BEST AVAILABLE COPY

13377 10

IN RE

Application for Enrollment of

INFANT CHILD

Margie Denton

as a citizen of

CHEROKEE Nation.

Approved, [illegible] 190[illegible]

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

[illegible]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Margie Denton, born on the 29 day of July, 1901
(Here insert name of child)
Name of Father: W. E. Denton, a citizen of the Chickasaw Nation.
by marriage
Name of Mother: Effie Denton, a citizen of the Chickasaw Nation.
Post-office, Stallings, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Effie Denton, on oath state that I am 17 years of age and a citizen, by blood, of the Chickasaw Nation; that I am the lawful wife of W. E. Denton, who is a citizen, by marriage, of the Chickasaw Nation, that a female child was
(male or female)
born to me on the 29 day of July, 1901; that said child has been named Margie Denton, and is now living.

Effie Denton

WITNESSES TO MARK
(Must be Two Witnesses)
H. L. Rogers
Magnolia Rogers.

Subscribed and sworn to before me this 16 *day of* Sept 1901.

Jas. H. Watt
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, J. R. Neill, a Physician, on oath state that I attended on Mrs. Effie Denton, wife of W. E. Denton, on the 29 day of July, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been
(male or female)
named Margie Denton

J. R. Neill M.D.

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 16 *day of* Sept 1901.

Jas. H. Watt
NOTARY PUBLIC

2

[illegible] that the Cherokee Act approved December 3,1869, and the amendatory act approved November 17,1870, are to be filed, considered filed, and supplied hereafter.

BY COMMISSIONER: The attorneys for the applicants will be given ten days in which to [illegible] the acts referred to. Attorney for the applicants will also be given ten days in which to file brief, a copy with the Commission and a copy with the Representatives [illegible] the matter.

BY COMMISSION: [illegible]

[illegible] Commissioner [illegible] final consideration [illegible]

FILED
[illegible]

W.D.Green, being first duly [illegible] that he was stenographer to the Commission to the Five Civilized Tribes at the time recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this [illegible] February 12,1914.

Commissioner.

"R"

Cherokee D 79

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Effie Denton et al., for enrollment as Cherokee citizens.

Appearances:
Jens W. Watts, Sallisaw, I.T., Attorney for applicants;
W.W.Hastings, Attorney for Cherokee Nation.

BY MR. WATTS: Let the record show that the Cherokee act approved December 3,1869, and the amendatory act approved November 17,1870, are to be filed, considered filed, and supplied hereafter.
BY COMMISSION: The attorney for the applicants will be given ten days in which to supply the acts referred to. Attorney for the applicants will also be given ten days in which to file brief, a copy with the Commission and a copy with the Representative of the Cherokee Nation.

BY COMMISSION, of Mr. Watts:
Q. Do you submit this case now to the Commission for final consideration? A. Yes, sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 19,1902.

Commissioner.

D79

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 17 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Feb 17 1902

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Effie Hill for enrollment as Cherokee ~~Freedmen~~. citizen

Geo. W. Watt
Atty for Applt

No.

6604

UNIT 1
3 1962

"R"

Cherokee D 79.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Effie Denton for the enrollment of herself and child as Cherokee citizens.

APPEARANCES:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: W.W.Hastings, Representative of the Cherokee Nation, presents the following letter to the Commission, bearing date of February 19, 1902:

"Mr. W.W.Hastings,
Muskogee, Indian Territory.
Dear Sir:- After further considering the cases of Effie Denton and Artie Welch vs. Cherokee Nation, I shall not file briefs, but shall submit them as they now stand.
Very truly yours,
Jess W.Watts."

BY MR. HASTINGS: The Cherokee Nation desires to call attention of the Commission to the fact that Effie Denton claims that her father was Richard L. Prather, and the records show that Caroline Prather was admitted to citizenship in the Cherokee Nation in the year 1870, but that RichardL. Prather was not admitted at that time, and the certificate filed, signed by W.T.Beudinot, is an erroneous one, and does not properly represent the judgment of the court, because the judgment of the Court only states that Caroline Prather was admitted to citizenship in the Cherokee Nation.

The Cherokee Nation desires to further call the attention of the Commission to the fact that it is shown nowhere in the testimony that Richard L. Prather, the father of the applicant, was a minor at the time Caroline Prather was admitted in '70.

BY COMMISSION: The letter above quoted is filed in the application of Artie Welch, D 133.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 21,1902.

Commissioner.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 26th 1902.

In the matter of the application of Effie Denton for enrollment as a citizen by blood of the Cherokee Nation. C. D. 79.

The testimony in this case shows that Effie Denton was sixteen years of age when she made her application for enrollment in this case, August 6th 1900; that she is a daughter of Richard L. Prather and a grand daughter of Caroline Prather; and the testimony shows that Caroline Prather was admitted to citizenship in the Cherokee Nation December 19, 1870, but the Cherokee Nation contends that it does not show that Richard L. Prather the father of the applicant was ever admitted to citizenship in the Cherokee Nation but it is contended by the Cherokee Nation that the certified copy of the report of W. P. Boudinot filed in this case purporting to be a report of persons previously admitted to citizenship in the Cherokee Nation and made sixteen years after they were said to have been admitted was clearly erroneous and untrue because the record herein above referred to shows that one Caroline Prather was admitted to citizenship and none other and the decision of the Adair Court on June 27th 1887 was only as to R. A. Prather and Caroline prather, husband and wife and did not include the said Richard L. Prather the father of the applicant hence there is no record whatever in this case that the said Richard L. Prather was ever admitted to citizenship in the Cherokee Nation or that he was a recognized citizen of the Cherokee Nation and there is no evidence tending to show that the said Richard L. Prather was a minor at the time his alleged mother Caroline Prather was admitted to citizenship in the Cherokee Nation.

Again the testimony discloses that the applicants mother was Ella Bettie and that she was a whitewoman and there is no testimony whatever tending to show that the father and mother were married or where they were married or where the applicant was born or in what [illegible]

many as to her residence..

In view of these facts we submit that they are insufficient to entitle the applicant to be listed for enrollment as a citizen of the Cherokee Nation by blood.

Respectfully submitted,

W W Hastings

J. C. S.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sam Houston Prather, et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Sam Houston Prather, et al.,.....	Cherokee	D 16
Jesse Q. Prather,.....	"	D 976
Effie Denton, et al.,.....	"	D 79X
Georgia A. Seabolt, et al.,.....	"	D 119

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission, by Lenora Prather for the enrollment of her two minor children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation and for the enrollment of herself as a citizen by intermarriage of said Nation, but as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Lenora Prather, as such, will not be passed upon or considered in this decision; by Lee B. Prather for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of said Nation; by Effie Denton for enrollment as a citizen by blood of said Nation; that subsequent to the date of her application a birth affidavit as to her minor child, Margie Denton, was filed with the Commission and the same is made a part of the record herein; by Luma Seabolt for the enrollment of his wife, Georgia A. Seabolt, as a citizen by blood of said Nation; and subsequent to the date of his application an affidavit as to the birth of his minor child, Sam H. Seabolt, was filed with the Commission and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the applications for the enrollment of Robert A. Prather, et al. and John Parks, et al. are made a part of the record herein.

The evidence shows that all the applicants herein are the descendants of one, Richard L. Prather, a Cherokee by blood; that the said Richard L. Prather is the son of Caroline C. Prather who was admitted as a citizen by blood of the Cherokee Nation by the duly constituted authorities of said Nation on December 19, 1870, at which time the said Richard L. Prather was a minor; and that all said descendants of Richard L. Prather were born since December 19, 1870.

The evidence further shows that the said applicants are identified on the tribal rolls of the Cherokee Nation as follows: Sam Houston Prather on the 1894 strip payment roll and on the 1896

census roll; Jesse Q. Prather on the 1896 census roll; Effie Denton by the name of Effie Prather on the 1896 strip payment roll and on the 1896 census roll; Georgia A. Seabolt by the name of Georgia A. Prather, on the 1896 strip payment roll and by the name of Georgia Prather on the 1896 census roll. It further appears that the said Richard L. Prather, through whom the applicants claim citizenship, is identified on the 1896 Cherokee strip payment roll and on the 1896 Cherokee census roll; and that Lemm Seabolt, father of the applicant, Sam H. Seabolt, is identified on the 1896 authenticated Cherokee roll.

The evidence further shows that the said Jesse Q. Prather and Effie Denton have resided in the Cherokee Nation continuously for more than ten years immediately preceding the date of their applications herein and that Georgia Seabolt has continuously resided therein from 1897 up to and including the date of her application herein; that the residence of the said Maggie Denton and Sam H. Seabolt is considered to have been in the Cherokee Nation since their birth; and that the residence of the said Sam Houston Prather and Maggie Prather was established in the Cherokee Nation prior to June 28, 1898.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain, et al. (I.T.D.2900--1905), that Sam Houston Prather, Maggie Prather, Jesse Q. Prather, Effie Denton, Margie Denton, Georgia A. Seabolt and Sam H. Seabolt should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby
Chairman.

SIGNED. T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,

Date SEP 18 1907

CO...

I D
JAN 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31 1902

Mrs. Effie Denton,

Sallisaw, Indian Territory.

Sir:

You are hereby notified that the application of yourself and one minor child

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

10th day of February, , 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-78
Register.

Acting Chairman.

COPY.

Cherokee D-18-276-
79-119.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, in the consolidated case of Sam Houston Prather et al., granting the applications for the enrollment of Sam Houston, Maggie and Jesse E. Prather, Effie and Margie Denton and Georgia A. and Sam N. Scobelt, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Rec. 9-24

COPY.

Cherokee D-78.

Muskogee, Indian Territory, October 12, 1905.

Jesse W. Watts,

Attorney for Effie Denton et al.,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1905, granting, among others, the application of Effie Denton for the enrollment of herself and her minor child, Margie Denton, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-125

Register.

COPY.

Cherokee D-79

Muskogee, Indian Territory, October 12, 1906.

Effie Denton,

Sallisaw, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting, among others, your application for the enrollment of yourself and your minor child, Margie Denton, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-124

Register.

Cher 10321
Georgia A. Seabolt
Trans. from D119

Cher 10321

Lun[illegible] S[illegible] - 3.

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all [illegible] ...ond.

[illegible] C.

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true and [illegible]

Bruce Crowe

[illegible]

[illegible]

Commissioner.

UNITED STATES
COMMISSION OF INDIAN AFFAIRS
POWER OF ATTORNEY TO PRESENT RAPEID
DESIRE AND DIRECTED UNDER
MOUNTAIN AREA

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 14, 1900.

In the matter of the application of Luna Seabolt for the enrollment of himself and wife as Cherokees by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

Q What is your full name? A Luna Seabolt.
Q What is your age? A 27.
Q What is your post office? A Maple.
Q What is your district? A Sequoyah.
Q Whom do you want put on the rolls now? A Well myself, and my wife claims to be a Cherokee citizen, they will have to investigate her.
Q Let me know who it is you want to apply for? A Myself and wife.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q Is your wife an indian or a white woman? A She claims to be an indian.
Q There are no children you want to apply for? A No, sir.
Q Are you on any of the rolls of the Cherokee Nation? A No, sir.
Q Are you on the roll of 1880? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 27 years; I was born and raised here.
Q Have you lived in Sequoyah district all that time? A Yes, sir.
Q What is your wife's name? A Georgia A. Seabolt.
Q How old is your wife? A 21, she will be in October.
Q What was her name before you married her? A Prather.
Q That was her maiden name, was it? A Yes, sir.
Q Is she on the roll of 1880? A I can't say.
Q Is she on any of the rolls? A I think she is on the 1894 and 1896 roll.
Q When were you married to her? A In 1897.
Q What was her mother's name? A Bettie Prather.
Q Is her mother living? A No, sir.
Q How long has her mother been dead? A 2 years.
Q Is her mother on the roll of 1880? A Yes, sir.
Q Was she admitted to citizenship by the action of the tribal authorities? A No, sir, she was a white woman, it is on her father's side that she claims.
Q Her mother was on the roll of 1896, was she? A I think not, they parted and her father enrolled her, my wife, in Tahlequah district.
Q What is your wife's father's name? A Richard L. Prather.
Q Is he living? A No, sir.
Q How long has he been dead? A He has been dead I believe since 1894 or 1896, I am not certain.
Q Is he on the roll of 1880? A I can't say, I don't think he is.
Q None of you have ever been admitted to citizenship by the Dawes Commission, have you? A No, sir.
Q Have you ever applied? A No, sir.
Q Have you ever been admitted or rejected by the United States court? A No, sir, not to my knowledge.
Q Have any of you ever made application to the tribal authorities of the Cherokee Nation for citizenship? A Not to my knowledge, I don't know it if they ever did.
Q Who was the mother of your wife's father? A I think her name was Caroline Prather.
(Luna Seabolt on 1880 roll, page 72, No. 1828, Loony Seabolt, Sequoyah district.)
Q Was your wife in Sequoyah in 1894? A No, sir, she was in Delaware.
Q Was she in Sequoyah district in 1896? A No, sir, she was in Delaware district.
(Georgia A. Prather on 1894 roll, page 448, No. 8906, Georgia A. Prather, Delaware district. Luna Seabolt on 1896 roll, page 1696,

No. 1284, Looney Seabolt, Sequoyah district. Georgia A. Seabolt on 1896 roll, page 514, No. 2550, Georgia Prather, Delaware district.)

Q Was her mother in the Cherokee Nation in 1880? A No, sir, in Arkansas.

Q Was she here in the Nation in 1880? A No, out in the state.

(1894 roll, page 445, No.2205, Richard Prather, Delaware district, The name of Richard L. Prather also on 1896 roll.)

Mr. W. T. Hutchings, attorney for Cherokee Nation: Your wife is the daughter of Richard L. Prather, is she not? A Yes, sir.

Q He was the son of Caroline Prather, was he not? A Yes, sir.

Q Caroline Prather was admitted to citizenship by the Supreme Court of the Cherokee Nation in 1870, was she not? A Well, I reckon so.

Q And no other member of the Prather family was admitted? A I can't say, I don't know.

Q How do you claim citizenship for your wife then? A On her father's side, she claims she is a Cherokee by blood.

Q Your wife's father wasn't born in the Cherokee Nation, was he?

A I can't say, I think that he was.

Q He was born long prior to 1870 wasn't he? A I guess so.

Commissioner Breckenridge? A Mr. Seabolt, I understand you to say that your wife's grandmother, that is to say, the mother of your wife's father, was admitted to citizenship along in the seventies under the name of Caroline Prather; is that right? A To the best of my knowledge, that is my understanding.

Q Now you don't claim that your wife's father, Richard L. Prather, was admitted by the judicial proceedings at that time? A No, sir, I don't know it, I don't claim it'

Q He was living at that time? A Yes, sir.

Q He must have been, as your wife is 20 years old or such a matter and that action was in the seventies, and Richard L. Prather is your wife's father? A Yes, sir.

Q Now Caroline Prather, it seems, has beenomitted from the roll of 1880 because of a dispute that was going on in regard to the decision by which she had been admitted, but at a subsequent date it was determined by the Cherokee authorities that the decision in her case should be permitted to stand; that is the state of facts, is it not?

A I guess so, I don't know in regard to the application for the enrollment of Georgia A. Seabolt.

In this application for the enrollment of Georgia A. Seabolt, nee Prather, it is understood that her grandmother on her father's side, Caroline Prather, was admitted to citizenship by the Cherokee authorities along in the seventies. It is not shown that any of the family of Caroline Prather were admitted at that time or at any subsequent time by the Cherokee authorities, at least none of her family who were then living. This applies to the father of this woman, Richard L. Prather. Now Richard L. Prather, now dead, is found upon the roll of 1894, and his daughter, now Georgia A. Seabolt, the present applicant, is found upon the roll of 1894 and 1896, but her claim is no stronger than the claim of her father, through whom she claims, and it is not shown in any form at any time where he acquired the right to enrollment, and he is not upon the roll of 1880. Neither is her mother upon the roll of 1880; neither is this claimant on the roll of 1880 though her age as given by her husband is 21 years. Now the application of Georgia A. Seabolt will be placed upon a doubtful card to await some evidence to the effect that her father was at some time lawfully admitted by the Cherokee authorities to Cherokee citizenship.

Now as for the application of Luna Seabolt for himself, he is identified upon the roll of 1896 as a Cherokee by blood. He is also

Lunn Sanboy, - S.

identified upon the roll of 1896, he has lived in the Cherokee Nation all the time, and he will be enrolled now as a Cherokee by blood.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 30th day of August, 1909.

C. M. Moore

Commissioner.

B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 14 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date August 14 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

2 Wife's name Virginia Walker Maple

District Illinois ~~SEQUOYAH~~ Year 77 Page 577 No. 2350

Citizen by blood CHEROKEE Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Richard L. Prather
Bettie "

* Wm. Victoria Virginia Prather,

Dec 9

0119

IN RE

Application for Enrollment of

INFANT CHILD

Sam Houston Seabolt

as a citizen of

Cherokee Nation.

Approved FEB 14 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 14 1901

ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Sam Houston Seabolt (Here insert name of child) born on the 16 day of Dec, 1900

Name of Father: Luma Seabolt, a citizen of the Cherokee Nation.

Name of Mother: Georgia A Seabolt, citizen of the Cherokee Nation.

Post-office, Maple Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Georgia A Seabolt, on oath state that I am 21 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Luma Seabolt, who is a citizen, by Blood, of the Cherokee Nation, that a male (male or female) child was born to me on the 16 day of Dec 1900 that said child has been named Sam Houston Seabolt and is now living.

Georgia A Seabolt

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 *day of* Jan *1907.*

J W Martin
NOTARY PUBLIC.
My Com. Exp. 1/19/1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Ellen Johnson, a midwife, on oath state that I attended on Mrs. Georgia A Seabolt wife of Luma Seabolt, on the 16 day of Dec, 1900; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Sam Houston Seabolt

Ellen Johnson

WITNESSES TO MARK:

(Must be Two Witnesses) Enos Johnson, Lizzie Scaggins

Subscribed and sworn to before me this [illegible] *day of* Nov *1901.*

J W Martin
NOTARY PUBLIC.
My Com. Exp. [illegible]

[illegible], that her case should be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be permitted to appear before the Commission and introduce any additional testimony affecting her application. Receipt was been acknowledged of the Commission's letter of notification. The applicant has been called three times and fails to respond either in person or by attorney, and the case is closed.

Commissioner.

RECEIVED
JAN 31 1905
NATIONAL ARCHIVES
WASHINGTON, D.C.

No. 119.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 14, 1902.

In the matter of the application of Georgia A. Bartell for the enrollment of herself and child as citizens of the Chickasaw Nation.

The applicant was notified by registered letter January 4, 1902, that her case would be taken up for final consideration by the Commission on the 14th instant, and that she would on said date be permitted to appear before the Commission and introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter of notification. The applicant has been called three times and fails to respond either in person or by attorney, and the case is closed.

Commissioner.

Cher 10321
Geographic

An Act for taking the census of the Cherokee Nation in the year 1878, and conferring power upon the Supreme Court, to try and determine cases of doubtful citizenship, as an extra term.

1st. Be it enacted by the National Council; That two capable responsible persons to be appointed by the Principal Chief in each district) and who shall be residents of the district, for which they are appointed, be and they are hereby directed and authorized to take the census of their respective districts, between the first day of March, and the first day of September 1878, and make full and certified returns thereof to the Principal Chief on or before the first day of October of said year. The said Census takers, before entering upon their duties hereby assigned to them, shall take an oath for the full impartial and correct performance of the same, as herein after defined.

2d. That it shall be the duty of said census takers, to take a full and complete return of all persons found residing or sojourning within the limits of their respective districts at the time of making the enumeration, as required by the foregoing Section. And said returns, shall show the names of all heads of families; the names of all males, above the age of eighteen; the names of all females above the age of 12 years; the names of all males under ~~[illegible]~~ eighteen years; the names, sex and age of all orphans under sixteen years of age; the names of all whites entitled by law to citizenship within the agency above Specified; the names of whites not so entitled; the names of all colored persons entitled by law to citizenship, within said agency, and the names of all such persons not entitled, and the names of all Indians not so entitled.

3. That it shall be the duty of the Principal Chief, to cause ruled blanks to be prepared of a suitable and convenient form, and furnished to said census takers, for the purpose of making the enumeration herein provided for; and said census takers shall be allowed three dollars per day while engaged in the performance of their duties, hereinbefore imposed upon them.

4. That it shall be the duty of the Principal Chief to cause a summary of the returns of said census to be prepared and laid before the National Council, together with the full returns of

the same , at the beginning of the annual session thereof in 1870. And which returns shall serve as the basis for apportioning the representation of the several districts of the Cherokee Nation in the National Council, in accordance with the amendment with the treaty nation, dated November 2, 1868.

2. And all persons whose rights to citizenship in the Cherokee Nation shall be called in question, and who shall be reported by the census authorized by this act to take a census of the Cherokee people, on the list of doubtful persons, shall be required to appear before the Supreme Court of the Cherokee Nation at Tahlequah, on the first Monday in December 1870, then and there to establish their rights to citizenship in the nation. And the said Supreme Court, is hereby specially empowered to act as a court of revision on behalf of the nation for the hearing and determination of all cases of doubtful citizenship which shall be reported to them by the census takers or by the Solicitors of the several districts. And the decision of said court shall be deemed final and conclusive in the premises, as to the rights of said persons to citizenship in the Cherokee Nation.

And the said Court, shall cause a correct list of the names and ages of all persons whose rights they may confirm, and one of those whose rights they may reject, to be placed on record in their office, and a copy of the same to be furnished to the Principal Chief, for the use of the Executive Department.

Tahlequah, C.N.

Nov. 7, 1869.

Approved 3rd. Nov. 1869 the date of presentation.

Lewis Downing

Principal Chief.

Executive Department, Cherokee Nation.

I hereby certify that the above and foregoing is a true copy as taken by the record now on file in this office , of which I am legal custodian. Given from under my hand and seal of office on this the 18th. day of July 1948.

Executive Secretary.

Chor
Supp'l to D 119

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 12, 1908.

In the matter of the application of GEORGIA A. SEABOLT, for the enrollment of herself and her son SAM H. SEABOLT, as citizens by blood of the Cherokee Nation:

Appearances:
D. H. Wilson, of Vinita, I. T., for applicant;
W. W. Hastings, Esq., for Cherokee Nation.

JESS PRATHER, being first duly sworn, and examined, testified as follows:

Examined by Mr. Wilson:

Q What is your name ? A Jess Prather.
Q What is your age ? A Twenty one.
Q What is your post office ? A Grove.
Q What relation are you to Georgia Seabolt ? A Brother.
Q Where does Georgia Seabolt reside ? A About four miles from Baldrew, Indian Territory.
Q How long has she lived there ? A She has lived there since 1897, I believe.
Q How long has she lived in the Indian Territory ?
A Well I can't say that, for I don't remember exactly how long.
Q Approximately ? A She came here in 1880.

By Mr. Hastings: In the year 1880 ?

A No, I mean in the eighties.

By Mr. Wilson:

Q Has she lived here continuously since that time ?
A Yes sir.
Q What was her maiden name ? A Georgia Prather.
Q Was she living in the Indian Territory, and in the Cherokee Nation, in June, 1898 ? A Yes sir.
Q And has she lived here and resided here continuously since that time ? A Yes sir.

By Mr. Hastings

Q She is a full sister of yours ? A Yes sir.
Q What was your mother's name ? A Ford.
Q Where were you born ? A They told me I was born in Arkansas.
Q Do you remember your residence in Arkansas ?
A Yes sir.
Q Was your sister Georgia Seabolt born there also ?
A Yes sir.
Q Did you and she come to the Indian Territory together ?
A No sir.
Q Which came first ? A She came before I did.
Q How about how old you are when she came here ?
A I don't know exactly, she is--
Q Is she older or younger than you ?
A She is about two years older than I am.
Q You are certain she came here before 1880 ?
A Yes sir, I came here in 1888, and she came a year before I did, year's a year.
Q Then she has been living here ever since 1880 ? A Yes sir.

Q Have you lived here continuously since 1889 ?
A I have with the exception of a few months I went to school in Arkansas.
Q What place ? A In Franklin County.
Q Your old home place ? A Yes sir.
Q When did you quit going to school, or have you quit yet ?
A Yes sir, I didn't go to school down there but about four months in 1898.
Q What four months were those ? A I don't remember, I believe it was in the fall of, lets see, I don't remember just the year it was.
Q When did your mother die ? A In 1898, she died this side of Sallisaw, close to where my sister now lives.
Q When did your mother move up here in the Indian Territory ?
A I don't know that; I was up here all the time and she was down there. I don't know when they moved up here.
Q Your mother moved up here after you came ?
A Yes sir, all I know she was here in 1896, that was the year I went down there.
Q Did you live down there a while ? A Yes sir, I went there in 1896, and didn't come back here until 1899.
Q Down in Sequoyah district ? A Yes sir.
Q Who was your guardian down there ?
A My mother was my guardian until she died in 1898, in August, 1898.
Q Had she been married after her separation from your father ?
A Yes sir.
Q What was her name when she died ? A Kinnie.

By the Commission:

Q Who are you claiming citizenship through, your father ?
A Yes sir.
Q Richard L. Prather ? A Yes sir.
Q Was he admitted to citizenship ? A Yes sir, I suppose he was.
Q That was before you came to the Cherokee Nation was it ?
A Yes sir, they claimed it was in 1871.
Q That was before you were born ?
A Yes sir, that was before I was born.
Q Well, where was your father when you came to the Nation first ?
A He lived on Cowskin prairie out here.
Q He was here already ? A Yes sir.
Q Who had you been staying with in Arkansas ? A My mother.
Q What was her name ? A Nettie Ford.
Q That was your sister's mother too, Georgia ? A Yes sir.
Q Your father and mother were separated then at the time you came to the Cherokee Nation ? A Why yes, my mother got a divorce from him.
Q Were they divorced at the time you came here ?
A Yes sir, I reckon they was, they didn't live together.
Q You say your sister Georgia came alone before you did ?
A Yes sir, my father brought her here before he did me.
Q Was she living with your father ? A Yes sir.
Q And you came to your father's when you came to the Nation ?
A Yes sir, and lived here in town.
Q How long since your father died ? A He died in January, 1898. the 10th day of January.
Q Did you live with him ? A Yes sir.
Q Up to the time he died ? A Yes sir.
Q Did your sister Georgia ? A Yes sir.
Q Did your father live continuously in the Cherokee Nation after you came here until he died ? A Yes sir, with the exception of a few months, I think he did, he lived at Tahlequah City, we was going to school there.

Q But from 1888 up to 1898, with the exception of that few months, your father lived continuously in the Cherokee Nation ?
A With the exception of a few months he did, yes sir.
Q With that exception ? A Yes sir.
Q How long had he been in the Cherokee Nation when you came ?
A I suppose he had been here all the time.
Q What do you mean by all the time, when did he come here first ?
A I don't know that
Q You don't know how long he had been in the Nation when you came ? A When they said he was admitted, in 1871.
Q When was your sister married ? A Georgia ?
A Yes. A She was married in 1897, I think, 1897 or 1898.
Q Who did she live with between the death of your father and the time she married ? A She lived with my mother.
Q In the Cherokee Nation ? A Yes sir.
Q Her husband is a Cherokee by blood ? A A half breed.
Q Have they been living in the Cherokee Nation since they were married ? A Yes sir.
Q So that your sister has resided continuously in the Cherokee Nation since she came here from Arkansas in 1882 ?
A Yes sir.
Q She just has one child ? A Yessir.

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this May 26, 1903.

Samuel Freeman

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sam Houston Prather, et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Sam Houston Prather, et al.,.....	Cherokee	D 16
Jesse Q. Prather,.....	"	D 976
Effie Denton, et al.,.....	"	D 79
Georgia A. Seabolt, et al.,.....	"	D 119

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission, by Lenora Prather for the enrollment of her two minor children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation and for the enrollment of herself as a citizen by intermarriage of said Nation, but as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Lenora Prather, as such, will not be passed upon or considered in this decision; by Lee B. Prather for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of said Nation; by Effie Denton for enrollment as a citizen by blood of said Nation; that subsequent to the date of her application a birth affidavit as to her minor child, Margie Denton, was filed with the Commission and the same is made a part of the record herein; by Luna Seabolt for the enrollment of his wife, Georgia A. Seabolt, as a citizen by blood of said Nation; and subsequent to the date of his application an affidavit as to the birth of his minor child, Sam H. Seabolt, was filed with the Commission and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the applications for the enrollment of Robert A. Prather, et al. and John Parks, et al. are made a part of the record herein.

The evidence shows that all the applicants herein are the descendants of one, Richard L. Prather, a Cherokee by blood; that the said Richard L. Prather is the son of Caroline C. Prather who was admitted as a citizen by blood of the Cherokee Nation by the duly constituted authorities of said Nation on December 19, 1870, at which time the said Richard L. Prather was a minor; and that all said descendants of Richard L. Prather were born since December 19, 1870.

The evidence further shows that the said applicants are identified on the tribal rolls of the Cherokee Nation as follows: Sam Houston Prather on the 1894 strip payment roll and on the 1896

census roll; Jesse Q. Prather on the 1896 census roll; Effie Denton by the name of Effie Prather on the 1894 strip payment roll and on the 1896 census roll; Georgia A. Seabolt by the name of Georgia A. Prather, on the 1894 strip payment roll and by the name of Georgia Prather on the 1896 census roll. It further appears that the said Richard L. Prather, through whom the applicants claim citizenship, is identified on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll; and that Lane Seabolt, father of the applicant, Sam H. Seabolt, is identified on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Jesse Q. Prather and Effie Denton have resided in the Cherokee Nation continuously for more than ten years immediately preceding the date of their applications herein and that Georgia Seabolt has continuously resided therein from 1897 up to and including the date of her application herein; that the residence of the said Maggie Denton and Sam H. Seabolt is considered to have been in the Cherokee Nation since their birth; and that the residence of the said Sam Houston Prather and Maggie Prather was established in the Cherokee Nation prior to June 28, 1896.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yoargain, et al. (I.T.D.2900--1905), that Sam Houston Prather, Maggie Prather, Jesse Q. Prather, Effie Denton, Margie Denton, Georgia A. Seabolt and Sam H. Seabolt should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) A. D. Necrot.
Commissioner.

(SIGNED) C. R. Breedlove.
Commissioner.

(SIGNED) W. E. Stanton.
Commissioner.

Muskogee, Indian Territory,

this [illegible]

D.119

CO

FEB 4 1992

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4th 1902

Luna Seabolt,

Maple, Indian Territory,

Sir:-

You are hereby notified that the application of Georgia A. Seabolt and Sam H. Seabolt for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 18th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Cherokee D-119
Register.

In reply refer to
Cherokee D 118.

Muskogee, Indian Territory, June 18, 1902.

Luna Seabolt, Esq.,

Maple, Indian Territory.

Sir:-

In the matter of your application for the enrollment of your wife, Georgia A. Seabolt, and your son, Samuel H. Seabolt, as citizens of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, showing the admission to citizenship in the Cherokee Nation of the father and mother of your wife, by the Tribal Council or other proper authority of said Nation.

This testimony must be furnished on or before July 1st, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee Nation.

Muskogee, Indian Territory, July 11, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

In the matter of the application of Georgia A. Seabolt, for enrollment as a citizen of the Cherokee Nation, you are directed to supply the Commission with a certified copy of the report of the Chief Justice and Clerk of the Supreme Court of the Cherokee Nation, bearing date of June 21, 1871, showing the admission of Caroline C. Prather and children (among them being Richard L. Prather) to citizenship in said Nation. It appears that said Chief Justice and Clerk were at that time sitting as a Court of Commissions by authority of an Act of the National Council approved December 3, 1869. The record of the admission of Richard L. Prather is desired, as he is the father of the said Georgia A. Seabolt.

You are further requested to supply a certified copy of so much of the said Act of the National Council approved December 3, 1869, as authorizing the Chief Justice and Clerk of said Supreme Court to decide claims for Cherokee citizenship.

Yours truly,

Acting Chairman.

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

Cherokee-D--119--

July 14,1902

Hon. Commission to the Five Civilized Tribes

Muskogee, I.T.

Sirs:

Yours of the 1th., instant received requests a certified copy of the Chief Justice and Clerk of the Supreme Court of the Cherokee Nation, bearing date of June 21, 1871, showing the admission of Caroline C. Prather and children(among them being Richard L. Prather) to citizenship in the said nation. The record to which you refer is not in this office, it having been turned over to the Attorneys of the Cherokee Nation.

Very respectfully

J. T. Parks.
Executive Secretary

Cherokee D-119.

Vinita, Indian Territory, January 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of January 20, the original jacket and record in the application of Georgia Seabolt, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-119, is enclosed herewith.

Respectfully,

Clerk in Charge.

Encl: P-3.

MP

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEBOLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-119

Muskogee, Indian Territory, February 24, 1903.

Luna Seabolt,

Maple, Indian Territory.

Dear Madam:

You are hereby notified that before your application for the enrollment of your wife, Georgia A. Seabolt, as a citizen of the Cherokee Nation will be complete, further testimony should be introduced as to her residence. This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before March 16, 1903.

When you appear, please present this letter.

Respectfully,

Chairman.

GRS

COPY.

Cherokee I-16-[illegible]
79-119.

Muskogee, Indian Territory, September 22, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, in the consolidated case of Sam Houston Prather et al., granting the applications for the enrollment of Sam Houston, Maggie and Jesse E. Prather, Effie and Margie Denton and Georgia A. and Sam N. Seabolt, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Enc. D-[illegible]

COPY.

Cherokee D-119.

Muskogee, Indian Territory, October 12, 1906.

Luna Seabolt,

Maple, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting, among others, your application for the enrollment of your wife, Georgia A. Seabolt, and your minor child, Sam H. Seabolt, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-123

Register.

Cher 10322

Jesse Q. Prather

Trans. from D976

Cher 10322

JUN 11 1981
C.U.L.T.
WILL BE CHARGED IN THE NEXT
PERIOD FOR THE NEXT

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHLEQUAH, I.T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Lee B. Prather for the enrollment of his nephew, Jesse Prather, ~~for enrollment~~ as a citizen of the Cherokee Nation, and said Lee B. Prather, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Lee B. Prather.
Q How old are you? A Thirty nine.
Q What is your Postoffice? A Grove, I. T.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you desire to enroll? A I want to enroll a nephew of mine.
Q Just your nephew? A Yes sir.
Q What is his name? A Jesse Prather.
Q How old is he? A Nineteen.
Q What is his father's name? A Richard L. Prather.
Q Is he living? A No sir.
Q What is his mother's name? A Bettie Prather: He married her under the name of Wes Lewis.
Q Is he a Cherokee by blood? A Yes sir.
Q He married in Arkansas under the name of Wes Lewis? A Yes sir.
Q How did that happen? A I can not tell you.
Q How is his name on the roll of 1880? A He was not enrolled in 1880 I reckon.
Q What right has he to citizenship? A He was a citizen.
Q Well, what makes him a citizen if he is not on the roll of 1880?
A We were disputed then.
Q Are you in dispute now? A No sir.
Q Were you admitted by the Commission? A Yes sir.
Q Where is your proof of Richard T. Prather's admission?
A I have not got it with me.

(1896 Roll, Page 514, #2351, Jesse Prather, Delaware District)

Com'r. T. B. Needles: The name of Jesse Prather is found upon the census roll of 1896: Lee B. Prather comes and applies for his enrollment as a Cherokee citizen by blood, and as to proof of citizenship of the said Jesse Prather, and the marriage between his father and mother, Richard L. Prather and Bettie Prather, he refers to the papers in the case of Lenora Prather et al, D. Card #16.

The Commission not being fully advised, final judgment as to the enrollment of the said Jesse Prather will be suspended, and his name will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Brannock

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

Dan'l

DEPARTMENT OF THE INT
MISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 14 1900

A T N CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 14 1900 1900.

Name Jane Ind Dy

District Year 18 Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship Parents { Richard L. Prather / Betty "

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Jane Q. Prather	Dist. DELAWARE	Year 18[illegible]	Page 514	No. 2351	Age 17
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

I m. 18[illegible] Mrs. Jane Prather — and enrolled by Lee B. Prather

Refer to papers filed in D 16 - Cards

X D 16

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1901

ACTING CHAIRMAN.

D976

In the case of

Hattie A. Prather

vs.

Richard Prather

Confession of judgment by defendant with the following agreement, to-wit;
Defendant enters a confession of judgment and a decrees of absolute divorce is ordered by the Court and it is further ordered that the custody of the child, Callie Prather, shall remain with Hattie Prather, plaintiff in accordance with the terms of the contract made on the 25th. day of March 1890 and recorded in the Clerk's office of Coowescoowee District by R.L. Prather and Hattie Prather, to-gether with all and singular the property mentioned in the said agreement to be the individual interest of Hattie Prather to have for her own use and control without bar from R.L. Prather this being not more than one half of their mutual property.

Executive Department, Cherokee Nation

Tahlequah, I.T. August 1o, 1901.

I hereby certify that the foregoing case of Hattie A. Prather vs. Richard Prather and the entry as above written is a true and correct copy of the Record of Civil Cases, Circuit Court, Coowescoowee District Cherokee Nation, and that the decree in this case was entered in the Regular Term of the Circuit Court for Coowescoowee District convened on the 12th. day of May 1890, at 9 oclock A.M., Hon. G.W. Benge, Presiding, and that the said Records have been by law made a part of the Records of this office and that I am custodian of such records.

Given from under my hand and the seal of the Cherokee Nation on the day and date written above.

J.T. Parks

Executive Secretary

Cherokee Nation.

COMMISSION
24/1/902

In the Regular term of the Circuit Court for Tahlequah District, convened on the 12th day of May 1896, Hon. G. [illegible] Presiding, Court convened at 9 o'clock A. M.

In the case of
Hattie A. Prather
vs.
Richard Prather. Confession of judgment by defendant with the following agreement herein defendant enters a confession of judgment and a decree of absolute divorce is ordered by the Court and it is further ordered that the custody of the child Willie Prather shall remain with Hattie Prather, Plaintiff, in accordance with the terms of the contract made on the 28th day of March 1896, and recorded in the Clerk's office in Tahlequah District by R. L. Prather and Hattie Prather, together with all and singular the property mentioned if the said agreement to be the individual interest of Hattie Prather to have for her own use and control, either half from R. L. Prather, this being and more than one half their mutual property.

Executive Department, Cherokee Nation
Tahlequah I. T., December 5, 1900.

I hereby certify that the above and foregoing is a true and correct copy of the record as shown by the Circuit Court Record of Tahlequah District, so far as the same relates to the parties herein named, and that said Record is now on file in this office.

J. B. Parks,
Executive Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. Sept. 24, 1906.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24, day of September, 1906.

R

C. D-976

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jesse Q. Prather for enrollment as a Cherokee citizen.

Appearances:
J.S.Davenport, Vinita, Attorney for applicant;
W.W.Hastings, Attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 26th, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and on said date, to-wit: the 14th day of March, 1902, the case was by agreement continued until the 15th day of March, 1902.

The applicant this day, to-wit: the 15th day of March, 1902, appears by his attorney, J.S.Davenport:

S.A.PATRICK, being first duly sworn and being examined testified as follows:

BY MR. DAVENPORT:

Q What is your name? A S.A.Patrick.
Q Where do you live? A Franklin County, Arkansas.
Q What is your post office? A Winslow.
Q How long have you lived in Franklin County, Arkansas? A Born and raised there.
Q Did you ever know a man there that went by the name of W.H.Lewis? A Yes sir.
Q How long did you know him down there? A I knowed him there, I think I would be safe in saying five or six years.
Q You know whether or not he married there? A Yes sir.
Q Who did he marry? A A Miss Dottie Ford.
Q Howlong did he live with Miss Ford, or about how long? A Well he lived with her I will say five or six years.
Q You know whether or not he during the time they lived together as man and wife there were any children born to them? A Yes sir.
Q You know their names? A Yes sir, Jessie Prather and Georgie Prather, or Louis, that's the name he went under there.
Q Did you ever know him by any other name? A Yes sir.
Q By what name? A Dick Prather.
Q Where and when did you know him by Dick Prather? A In the Cherokee Nation.
Q Near what place? A Southwest City, Missouri.
Q That was the post-office, where was he living then, in Southwest City? A No sir, he lived out on Cowskin Prairie there, near Southwest City.
Q You know whether or not he had this boy Jesse there with him? A Yes sir, he was there then.
Q About how old is Jesse now, Mr. Patrick? A Well, he is somewhere about 20 or 22 years old.
Q You know whether or not the man you knew as Dick Prather up there in the same man you knew as W.H.Lewis? A Yes sir, he was the same man.

BY MR. HASTINGS:

Q You know whether this man Lewis has been married before or not? A No sir, I don't know, only single time; and he had a girl.
Q How long had you known him before his marriage, down there? A He married the girl that I first got acquainted with him.
Q How long did you know him down there in Arkansas? A I think it is 6 or 7 years.
Q Married once there? A Yes sir.

Q With his wife? A Yes sir.
Q This child born there?A Yes sir, Jesse Q. Prather was born there, we lived a mile and a half from him and he come up and would have me go and see Jesse,-Quantrell,they called him Quantrell.
Q You know whether his mother had ever been married before? A No she never was.
Q How long had you known her? A I had known her all my life, born and raised right there together.
Q And you knew him down there six or seven years? A Yes sir.
Q What did he do? A Why he was a farmer and ~~xxxxxx~~.farmed.
Q Where was that, in Arkansas? A In Franklin County.
Q Where is Franklin County , what is the County seat of it? A Ozark is the County seat .
Q What ~~xxxx~~ ~~xx~~ tier of counties is that? A It is the second county from Crawford County, here on the line.
Q How long did you continue to know this boy down there? A Why that boy, his father taken him away from there in the spring of 90 I think it was April or May, took him to the Cherokee Nation, and afterwards I was up there you know.
Q Have you seen the boy in Arkansas since? A Yes sir, I have.
Q How long did he stay in the Nation in 1890 when he came up there, before he went back to Arkansas, about how long, your best judgment? A Well I don't think,- he was back there just a year or two I think ago.
Q Did he stay up here until a year ot two ago ? A Well that's what I am speaking about you know, yes, if I had a little time to study I might study up the time you know, yes.
Q Well think about it a little and give us your best judgment as to how long he stayed up here when he came in '90? A Well, I think it was just a year or two ago when he came back there.
Q Is he down there now? A No sir.
Q How long did he stay there when he wa s there a year or two ago? A He stayed there last year during the summer.
Q Is his mother down there now? A No his mother is dead.
Q How long has she been dead? A I don't know, I think it has been a year or more, my recellecyion.
Q Did he live with her until her death, I mean the husband? A No sir.
Q They separated? A Yes sir.
Q And she died a year or two ago? A Yes sir, and Dick Prather was killed in Southwest City,- a team ran away.
Q Where is the boy now? A I couldn't tell you.
Q When did you leave Arkansas? A Day before yesterday.
Q Have you seen him down there this last year? A No sir not this year.
Q You saw him last year? A Yes sir.
Q In the year of 1901 you saw him down there? A Yes sir.
Q About how much of the time? A Well I don't believe that I saw him but twiced.
Q You don't know where he was living? A He lived withhis Grampa down at the ford.
Q His grandpa alive down there? A Yes sir.
Q How far do you live from him? A About a mile and a half.

BY MR. DAVENPORT:

Q Did you say he was living with his grandpa last year? A Yessir
Q I mean was he making his home there? A Well I don't know about that, I never asked anything about that, none of my business.
Q You just saw him there with his grandpa? A Yes sir.

ALONZO FORD, being first duly sworn and being examined testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Alonzo Ford
Q Where do you live? A Franklin County, Arkansas.

Q What is your post office? A Cravens.
Q How far do you live from Ozark? A About eight miles.
Q Did you know a man some years ago who came down in that country and married, named W.R.Lewis? A Yes sir, married my sister.
Q What was your sister's name?A Elizabeth , we called her Beck.
Q After they were married did they have any children? A Yes sir.
Q How many? A Three.
Q What are their names? A Georgie, Jesse and Effie.
Q How long did they live together as husband and wife? A 5 or 6 years.
Q Were these children born while they were living together as man and wife? A Two of them, Georgie and Jesse.
Q Is Jesse the same as Jesse Q.? A Yes sir.
Q Did you learn to know this man by any other name other than W.R.Lewis, after he married your sister? A Yes sir, I heard that by several parties that that was Dick Prather up here at Vinita.
Q You know this Jesse Prather now, goes by the name of Jesse Prather? A Yes sir.
Q Is he the same child that was known then as Jesse Lewis? A Yes sir, my sister's child, born Jesse Lewis.
Q Where has Jesse been living for the last few years? A He has been up in the Territory, on Cowskin Prairie; his father come and got him when he was a small boy, and for the last two or three years he has been in Arkansas part of the time, with his grandfather my father.
Q where is he living now? A He is up in the Territory, I suppose, up about Cowskin Prairie.
Q Do you know his age now? A I think he is 21 years old, I think he was 21 in January.
Q He is not living with your grandfather down there now? A No sir.
Q About how old was he when his father came and got him ? A I guess he was somewhere about 7 years old.
Q You know whether or not he went down there to his grandfather's to live before his father's death? A No, he never come back down there.
Q He came to live with his grandfather after his father's death? A Yes sir.
Q Was his mother living then? A No sir.

BY MR. HASTINGS:

Q How long did you know this Man Lewis or Prather, in Arkansas? I knew him while he lived with my sister and a little while before, about 5 or 6 years I guess.
Q What was he doing down there? A He farmed and traded.
Q How many children did he have by your sister? A Three.
Q They were all born there in Arkansas? A Yes sir.
Q Your sister died there? A No she died up here in the Territory.
Q Were they separated down there? A Yes sir.

BY MR. DAVENPORT: I will ask to make that part of the record as to the marriage of W.R.Lewis and divorce, in the case of Lenora Prather made part of the record in this case.

BY COMMISSION: It is directed that a copy of the marriage license filedin the case of Lenora Prather, et al., B 18, authorizing the marriage of Wesley R. Lewis and Sarah E. Ward, be made part of the record in this case; also a copy of the complaint for divorce between Sarah E. Ward Lewis and Wesley R. Lewis, filed in the same case.

BY MR. DAVENPORT: I want to call the attention of the Commission to the fact that while the proof shows that the applicant was born in Arkansas, it shows that he was brought to the Nation when he was a small child, estimated to be 5 or 6 or 7 years old, and lived continuously with his father until his father's death.

BY MR. HASTINGS: The Cherokee Nation contends that in the first place there is no proof of the father's citizenship in the Cherokee Nation; no proof that he was ever admitted; and that proof

in this particular case shows that he was a resident of the State of Arkansas, farmed and made his living there some five or six years, and even if he had been recognized as a citizen of the Cherokee Nation prior to that time he forfeited his right at that time by non-residence, and that this child was born of a marriage contracted in the State of Arkansas, where the mother continually lived until her death, and attention is further called to the fact that the proof does not show that this boy has made any continuous residence in the Cherokee Nation, but upon the other hand, shows that he lived in the state of Arkansas up until the year 1896 and then came to the Cherokee Nation,- where there is not very much definite proof,- but that during last year he was in Arkansas with his grandfather.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nationpresent submit this case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

/ O II 16

Mariage License

State of Arkansas :
:
County of Franklin:

To any persons authorized by law to solemnize marriage:

You are hereby commanded to solemnize the rites and publish the bans of Matrimony between Wesley R. Leonwis aged 25 years, and Sarah E. Ford aged 19 years according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand official seal this 14th day of June 1878.

(Signed) G. H. Ross County Clerk

:::::
:L S:
:::::

By George Spencer D. C.

State of Arkansas :
:
County of Franklin:

I, J. R. McLaughlin, dohereby certify that on the 16th day of June A. D. 1878, I did duly and according to law as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties therein named.

Witness my hand this 16th day of June 1878.

(Signed) James R. McLaughlin JP.

Filed July 25th and recorded July 27th 1878-

(Signed) G. H. Ross Clerk

By George Spencer D. C.

State of Arkansas:
:
County of Franklin:

I, J. D. McIhvy Clerk of the County Court within and for the County and state aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the certificate of the marriage of Wesley R. Leonwis and Sarah E. Ford as the same appears of record in my office in the record of marriages Book "B" at page 576.

In testimony whereof I hereunto set my hand and affix the seal of said Court this the 17th day of September 1908.

(Signed) J. D. McIhvy
County Clerk.

(SEAL)

9216

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division .

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

Notary Public.

D976

Sarah E. Lewis Plaintiff
VS. Complaint for Divorce
Wesley R. Lewis.

Now on this day this cause came on tobe heard upon the complaint the proofs herein advanced and the report of the attorney for the non-resident defendant, Wesley R. Lewis and the Court having the same under consideration and being fully advised relative thereto doth find the issue in favor of the plaintiff. It is therefore ordered adjudged and decreed by the court that the bonds of matrimony here-to-fore existing between the plaintiff and defendant, be and the same is hereby disolved, annulled and held for naught and set aside and the plaintiff be restored to all rights and privileges of a single person. And it is further ordered that the plaintiff pay all costs in this action.

State of Arkansas :
:
County of Franklin:

I, John E. Bryan, Clerk of the Circuit Court within and for the county aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the decree in the above entitled cause rendered on the 7th day of June, 1888 in the Franklin Circuit Court for the Ozark District thereof at its June term, 1888, as it now appears of Record in my office in Chancery Record "C" at Page 485.

In testimony whereof I have hereunto set my hand and offixed the seal of said court on this the 17th day of September 1900.

(Signed) John E. Bryan

(SEAL) Circuit Clerk

By Chas W. Bell D. C.

CD-976

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this December 15, 1902.

Notary Public.

made testimony also in the case of Jesse Q. Prather and in this case.

COMMISSION: It is directed that a copy of all the testimony had in the matter of the application of Margaret J. Parks, who has been listed for enrollment on Cherokee Roll and Field No. 401s, be filed herein and made a part of the record in the case at bar, as well as in the case of Jesse Q. Prather, D-9[illegible].

Q What kin is Jesse Q. [illegible] to the [illegible] as his son.
Q Her own sworn [illegible] Yes, [illegible] Texas and [illegible]

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the [illegible] and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 8th day of June, 1922.

P. B. Reuter,
Notary Public.

JCJ

To be filed with the case of Jesse Q. Prather, Cherokee D 976.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24, 1902.

In the matter of the application of Lenora Prather et al for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-16.

Take out

APPEARANCES:
Preston S. Davis, Vinita, I.T., in behalf of applicants.
J. C. Starr in behalf of Cherokee Nation.

ROBERT A. PRATHER, being first duly sworn, testified as follows:

MR. DAVIS: State your name? A Robert A. Prather.
Q How old are you, Mr. Prather? A I am 76.
Q Are you the husband of Caroline Prather, in case No. 4014, before this Commission? A I suppose so.
Q You are? A Yes, sir.
Q What kin are you to Richard L. Prather, deceased? A I am his father.
Q What kin is Caroline Prather to Richard L. Prather? A She was his mother.
Q Are you the R. A. Prather that testified in this case before the Commission at Vinita? A Yes, sir, I am.
Q Well was Richard L. Prather living on December 19, 1870? A Yes, sir.
Q How old or about how old was Richard L. Prather at that time? A He was betwixt 16 and 17 years old, I reckon, between sixteen and seventeen, quite young.
Q He was living at that time, but was under age, was he, he was a minor? A Yes, sir.
Q At the time his mother, Caroline Prather, was admitted to citizenship before the Bob Daniels Court was Richard L. Prather alive? A Yes, sir.
Q How old was he at that time? A Well he was 16 or 17 somewhere along there, I don't know just exactly.
Q From that time on, from the 19th of December, 1870, the time his mother was admitted to Cherokee citizenship before the Bob Daniels Court, did Richard L. Prather ever leave the Cherokee Nation to make his home anywhere else permanently? A No, sir.
Q He didn't, you say? A No, sir, he didn't.
Q Did he ever leave the Nation at any time at all? A Yes, sir, he went to Sulphur Springs, Texas, took that little girl, Minnie, to the Springs in Texas, Sulphur Springs, and was gone I think about a year, and then he came back.
Q What property or what effects did he leave in the Cherokee Nation at that time? A Well he had a place and his property and his little boy was at my house, he died while, I think while he was gone.
Q What did he take while he was gone, any horses or furniture or anything of the kind? A Well he bought some horses, and then he traded off at Black Mountain down here for cattle and brought them over here.
Q Bring the cattle back to the Nation? A Yes, sir.
Q What did he do with them? A He left them with me to take care of them; I don't know how much he paid, four or five hundred dollars.
Q Had he had his place there in the Nation during all that time? A Yes, sir, he always had a place in the Cherokee Nation.
Q And you say then that from the time his mother was admitted in 1870 before the Bob Daniels Court that Richard L. Prather, your son,

never permanently left the Cherokee Nation to make his home anywhere else? A No, Sir.

MR. STARR: When was Richard L. Prather born? A Well he was born, I don't know as I can state the date, but I could take his age from the Bible, the book. '30 or '32 I think, must have been born about '32, because Annie was born June 1st, Jim Tittle's wife, 1830, and I think '32 I guess, a little more than two years difference in their ages.

Q Is this Annie that you mention your oldest child? A She was the oldest child.

Q How much older is she than Richard? A Well I think she's nearly two years; she was born, June, '30, she must have been.

Q What's the name of the one that's younger than Richard, next one, next one to Richard? A I believe it's Mollie J.

Q Who? A I believe it's Mollie J., Parks now.

Q How old is she? A Well I couldn't--

Q When was she born? A She was born, well there was about two years, it might have been that much or mightn't be quite that or it might be a little over. Well she was born '33 or '4 or '5, right along there, I couldn't, I don't remember it.

Q How much older is Richard L. Prather than Mollie Parks? A Well he's about two years I suppose.

MR. DAVIS: Where is Lenora Prather and her children living?

A They live in Grove.

Q In the Cherokee Nation? A Yes, sir.

Q Indian Territory? A Yes, sir.

Q How long have they been living there? A I don't know, some four or five years.

Q They were living there at the time Richard L. Died? A No, sir, they was in Southwest City when he was killed.

Q Have a place in the Nation? A Yes, sir, he had a place in the Nation.

Q Near Grove? A Yes, sir.

Q The record all previously shows that, shows that she was living in the state and coming back and forth.

MR. STARR: Where was she living in 1898? A I expect she must have been living at Southwest City; she might have been; I don't know.

Q Where was she living in June, 1898? A She was living in Southwest City, that's where she was.

MR. DAVIS: Now, Mr. Prather, to call your attention; you have testified that in 1870 Richard L. Prather was about 16 or 17 years old? A Sixteen or seventeen.

Q Sixteen or seventeen years old; then he couldn't have been born in 1832 could he? A I can't tell--

Q That would have made it, 32 from 70 would leave 38, wouldn't it? A I don't know.

Q Do you remember dates at all? A I have neuralgia and it gets way down here. (Indicating)

Q You don't remember dates or years? A No, I can't.

Q Are you able to state whether or not in 1870 you remember the time your wife was admitted to citizenship; I will ask you if you remember the fact as to whether or not Richard L. Prather at that time was a minor or was of full age? A I know he was a minor.

Q He was a minor? A Sixteen or seventeen.

Q You are positive about that are you? A Yes, sir.

Q You say you don't remember dates or years? A No, not just exactly.

CHESTER JACKSON, being first duly sworn, testified as follows:

MR. DAVIS: State your name to the Court. A Chester Jackson.
Q How old are you, Chester? A 20 years old.
Q Where do you live? A My home is in Texas; at the present time I am at my brothers at Klaus Ferry here in the Nation on Grand River.
Q What kin are you to Lenora Prather, the applicant in this case? A Brother.
Q Where is she living now? A Grove Springs.
Q In the Cherokee Nation? A Yes, sir.
Q Indian Territory? A Yes, sir.
Q How many times has she been married? A Twice.
Q What was her last husband's name? A Prather.
Q What Prather? A Dick Prather.
Q Richard L. Prather? A Yes, sir.
Q Where was she married to Richard L. Prather? A Claremore, Indian Territory.
Q Do you know what year? A 1892.
Q What time of the year, spring, summer, fall or winter or when? A To the best of my knowledge it was in the fall.
Q In the fall of 1892 at Claremore; were you present at that wedding? A Yes, sir.
Q Did you see her married? A I did.
Q Who married her? A Jacks.
Q A minister? A Yes, sir.
Q After her marriage to Richard L. Prather--where was the ceremony performed, in the church or where? A In our home.
Q Were you living in Claremore at that time, your people? A Yes, sir.
Q She was married at home was she? A Yes, sir.
Q After her marriage to Richard L. Prather did they live together as man and wife? A Yes, sir, they did.
Q How do you know? A I lived with them.
Q How long did you live with them after their marriage? A I lived there at one time about six months.
Q Did they have any children of this marriage? A Yes, sir, they had two children.
Q Those children living now? A Yes, sir.
Q Did they live together as man and wife after they were married? A They did.
Q Was she a citizen of the Cherokee Nation prior to her marriage to Richard L. Prather or a citizen of the United States? A She was a citizen of the Territory.
Q Citizen before she married Prather? A Yes, sir.
Q She claimed her citizenship through her marriage to Prather? A Yes, sir.

MR. STARR: Where did Richard L. Prather and Lenora Prather live after they were married? A Lived at Southwest City.
Q How long did they continue to live there? A They lived there till he was killed, I don't know exactly how long, I couldn't say.
Q Where was Lenora Prather living in 1898? A Why I couldn't say whether she was living at Southwest City or in the Nation, I don't remember.

MR. DAVIS: You say you can't say? A No, sir, she was either at Southwest or Grove Springs.
Q I will ask you if during the time they lived in Southwest City they had a farm in the Cherokee Nation? A They did.
Q How far from Southwest City? A About twelve miles I think.
Q I will ask you if they would come and go to that place? A Yes, sir.
Q Kept that farm there during the whole time? A All the time.
Q Did she afterwards move on this same farm and go to living there? A No, I think not, I don't remember whether she ever lived on the

farm after that or not.
Q Is she living on that farm now? A No, sir, she's living in town, town of Grove.
Q She owns a farm near there? A Yes, sir.
Q The same farm? A They had.
Q The same farm they had all during the time they lived in Southwest City? A Yes, sir.
Q Still owns that place? A Yes, sir.
Q You say they owned it all during that time? A Yes, sir.
Q About how many miles did you say from Southwest City? A Twelve miles I think.
Q About twelve miles over on the Territory side? A Yes, sir.
Q She's living on that farm? A No, sir.
Q She lives in town but still owns the farm? A Yes, sir.
Q How long has she been living in Grove in the Cherokee Nation? A I couldn't say for certain.
Q Well about how many years? A I think about three or four years.
Q Children living with her? A Yes, sir.
Q They are both minors? A Both minors.
MR. STARR: Has she been living in Grove three or four years, which is it? A I couldn't say; three or four years; I don't know just exactly.
Q Did she move from Southwest City to Grove? A Yes, sir.
Q Been living in Southwest City until she moved to Grove? A Yes, sir, she's been living in Southwest City since she was married till she moved to Grove.

L. B. BELL, being first duly sworn, testified as follows:

MR. DAVIS: State your name, Colonel? A L. B. Bell. This young man knows it.
Q What's your age? A 64.
Q You are a Cherokee by blood, living in Vinita? A Yes, live at Vinita.
Q Did you know Richard L. Prather in his life time, the son of Robert A. and Caroline Prather? A Yes, sir.
Q Cab you remember how old Richard L. Prather was in the year 1870? A Why I couldn't hardly tell you that; first time ever I see Dick Prather was about '68, he liiked like a boy sixteen or seventeen years old, only a matter of guess.
Q I will ask you if in 1870 he was a minor or a man of full age? A Well I couldn't--
Q Well you knew him; you say you saw him in '68? A Well that would make it then that he would have been twenty, about twenty years old, but I don't recollect of seeing Dick Prather after '68 for some two or three years.
Q You saw him in '68? A I think in '68, that's the first time ever I see him; it was in that year I sold his father a place; that's the first time I ever saw any one of the family; he looked like to me a young man of seventeen, probably it might have been older than that or he might not have been quite so old, but I never kept no particular record with me.
Q Well at that time was he of age or under age? A Well I think he was under age the first time I seen him, yes, sir.
MR. STARR: You don't know when he was born do you? A No, as I stated at the start the first time I ever saw him I think was in '68 and then he was sixteen or seventeen years old, and I guess he had been born sometime previous to that. No, I don't know really anything about his age, and that's been a good while age, something more than thirty years, it's pretty hard for a man to speak definitely about a thing of that sort unless it was of more import than that would be to him now. There was two or three Prather boys, and my

understanding was that Dick was the oldest one of the bunch.

MR. DAVIS: Colonel, do you know anything about the enrollment of Richard L. Prather as a citizen of the Cherokee Nation? A No, sir, nothing only in a general way, that the question of their admission was called up; it was the subject-matter of an inquiry into an act of the council passed somewhere along, well I think they were tried somewhere about '88 in the Adair Court as they called it.

Q Do you know whether they were admitted in that court, did you ever look up the records to see? A Well they were; the question of fraud was what was brought up, and it was decided that there had been no fraud in the presentation of the trial of that case; it's my recollection; the record and the matter, that would disclose that fact much better than I could.

Q Well you haven't looked that up? Did that include Caroline Prather the mother and the family, does it include the family? A Well the facts are about this: It appears that presenting their case before this Commission they presented records that showed the admission of Caroline Prather simply, and following that the children were put upon a doubtful card, and at the instance of Mr. Parks, the son-in-law of Prather, I went down to Tahlequah and found records showing I believe the admission of the whole outfit, giving the names of the children, but that's a matter of record which is before this Commission I understand.

Q Well was Richard L. Prather included in that list that you found? A Well my impression is that he was, but I couldn't state absolutely that that's a fact now.

Q You say that's a matter of record that the Commission-- A I think it ought to be right here in this Commission now, my notion about it.

ROBERT A. PRATHER recalled:

MR. DAVIS: Did you have any son named Richard T. Prather? A No, sir.

Q What was the name of your son? A His name was Richard L. Prather Richard Lewis.

Q Richard Lewis Prather? A Yes, sir, that was his name.

Q I notice in some of the papers the name of Richard T. Prather occurs; what should that be? A It ought to be Richard L. Prather.

Q Richard L. Prather? A Yes, sir.

Q You had no son by the name of Richard T. Prather? A Dick was the oldest, a baby that died was the next one, I don't recollect the rows then, but I know Dick was admitted, I saw it on the record myself.

Q You say you know he was admitted? A Yes, sir, his name is on the record before his mother.

COMMISSION: This testimony will also be filed with and made a part of the record in the matter of the application of Jesse Q. Prather for enrollment as a citizen by blood of the Cherokee Roll Card Field No. D-274.

MR. DAVIS: What kin are you to Mollie J. Parks? A I am her father.

Q Her name was Mollie J. Prather before she married? A Mollie Jones Prather before she married.

Q Her husband J. W. Parks is your son-in-law? A No, sir, that wasn't his name, hisname was John K. Parks.

Q He your son-in-law? A Yes, sir.

Q Married your daughter, Mollie Jones Prather; what kin is Mollie Jones Prather to Richard L. Prather? A She was his own sister, and I believe next in birth, it strikes me since I answered that question that she's next in birth.
Q Well she's a full sister to Richard L. Prather? A Yes, sir.
Q I will ask you if your daughter Mollie was sometimes called Margaret? A It's Margaret Jones.
Q Margaret Jones Parker? A Margaret Jones Parks, she was named after Aunt Margaret Jones. Well, Margaret and Mollie, she was sometimes walled Margaret and sometimes Mollie.
Q Now I will ask that the testimony in that case by reference be made testimony also in the case of Jesse Q. Prather and in this case.

COMMISSION: It is directed that a copy of all the testimony had in the matter of the application of Margaret J. Parks, who has been listed for enrollment on Cherokee Roll Card Field No. 4018, be filed with and made a part of the record in the case at bar, as well as in the case of Jesse Q. Prather, D-976.

Q What kin is Jesse Q. Prather to Richard L. Prather? A He is the son.
Q His own son? A Yes, sir, I kept his family while he was gone to Texas and down on the river.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 25th day of June, 1902.

P. B. Reuter,
Notary Public.

Maud Cotner, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy of transcript, and that the same is a true and exact copy thereof.

Maud Cotner

Subscribed and sworn to before me this 19th day of July, 1902.

Philip B. Reuter
Notary Public.

[illegible] testimony in the case of [illegible] Prather, who was enrolled this day on Card #4014.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. Cravens.

Subscribed and sworn to before me this 7th day of October, 1902.

C. R. Breckinridge
Commissioner.

[illegible] being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he took the foregoing copy, and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

To be filed in D 976.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF John Parks, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Parks.
Q What is your age. A Forty six.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Margaret J. Parks.
Q What was her name before you married her? A Margaret J. Praither.
Q Have you any certificate of marriage? A Yes, sir.

The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to one Nollie E. Prather, a Cherokee citizen, on the 20th day of September, 1871.

Q Is the Mollie E. Prather mentioned in this certificate the Margaret J. Parks whom you now claim to be your wife? A Yes, sir.

(1896 Roll, Page 585, #438, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2417, Margaret J. Parks, Delaware D'st)

Q What are the names of your children under age and unmarried?
A John Parks.
Q Has he any middle name? A No, sir.
Q How old is he? A Nineteen years old.
Q Next one? A Ora Ada Parks.
Q How old is she? A Fifteen.
Q Next one? A Owen B.
Q How old is he? A Nine.
Q Next? A That is all.
Q Are these children living and living with you now? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Twenty eight years.
Q Have you been living with your wife continuously since you married her? A Yes sir.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.

(1896 Roll, Page 517, #2421, John Parks, Delaware D'st)
(1896 Roll, Page 517, #2422, Cora Ada Parks, Delaware D'st)
(1896 Roll, Page 517, #2423, Owen Bell Parks, Delaware D'st)

The names of John Parks, and his wife, Margaret J. Parks, appear upon the census roll of 1896. Applicant also presents a certificate of admission, certifying that his wife, Margaret J. Parks was admitted to citizenship on the 13th day of July, 1886, said certificate being signed by W. P. Boudinot, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation. He also presents satisfactory proof, by certificate issued from the Office of the Commission on Citizenship, June 27th, 1887, signed by W. M. Gallager, Assistant Executive Secretary, under the seal of the Nation, certifying that his wife, Margaret J. Parks, was declared a citizen on the 18th day of December, 1870, said certificate being signed by J. T. Adair, Chairman, D. W. Lipe and E. C. Barnes, Commissioners, under the seal of the Cherokee Nation.

The name of John Parks, being found upon the census roll of 1896, as well as the name of his wife, Margaret J., and he producing satisfactory proof of marriage to his wife, in the year 1871, her maiden name being Margaret Prather; and the names of his children, John, Cora Ada and Owen B. appearing upon the census roll of 1896; they all being duly identified and having made satisfactory proof both as to their citizenship and their residence, the said John Parks will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Margaret J. Parks, and his children, John, Ora Ada and Owen B. as Cherokee citizens by blood.

For more particular proof as to the citizenship of his wife, see the testimony in the case of his wife's mother, Caroline C. Prather, who was enrolled this day on Card #4014.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me this
7th day of October, 1900.
C. R. Breckinridge,
Commissioner.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

R. Chick

Subscribed and swern to before me this 7th day of July, 1902.

Seal

Phillips Porter

Notary Public.

4014

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 8 1908

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Caroline C. Prather and husband for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Caroline C. Prather.
Q How old are you? A Sixty eight.
Q What is your Postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A Yes sir.
Q Do you want to enroll any one but yourself? A Yes sir; my husband.
Q Is he not here? A No sir; he is sick in bed.
Q What is his name? A Robert A. Prather.
Q White man? A Yes sir.
Q How long have you been married to him? A Thirty three or thirty four years.
Q How old is your husband? A He is seventy three. Will be next May.
(1896 Roll, Page 517, #2416, Keath C. Prather, Delaware D'st)
(1896 Roll, Page 585, #420, Robert A. Prather, Delaware D'st)
Q How long have you lived in the Cherokee Nation? A About thirty five years.
Q Right along; continuously? A Yes sir., never lived out.

The applicant presents a certified copy, issued from the Executive Department of the Cherokee Nation, July 13th, 1886, said certificate being signed by W. P. Boudinot, Executive Secretary, under the seal of the Nation, certifying that Caroline C. Prather and family were admitted to citizenship.
Afterwards, a certificate is presented, certifying that the said Caroline C. Prather and family were summoned to appear before the Commission to try and determine applications for citizenship, and show cause why their admission was not obtained by fraud.
Said applicants did appear before the Commission, on the 27th of June, 1887; the case was investigated, and the following verdict was rendered: "We, the Commission on Citizenship, fail to find that fraud or bribery has been resorted to by the said Prathers in obtaining their citizenship in the Cherokee Nation, on December 19th, 1870. We find for the defendants in this case". Signed by J. T. Adair, Chairman, D. W. Lipe and N. C. Barnes, Commissioners, certified to by William M. Gulliger, Assistant Executive Secretary, under the seal of the Nation.
It appears that because said charge of fraud, the names of the applicants were not placed on the authenticated roll of 1880. Their names are found upon the census roll of 1896, according to the page and number of the rolls as indicated in the testimony. The applicant avers under oath that she was married to one, Robert A. Prather, about the year 1873, according to the laws of the Cherokee Nation, and that she has lived with him continuously ever since. Proof being satisfactory as to the citizenship of the said Caroline C. Prather, and Robert A. Prather, her husband, she will be duly listed for enrollment as a Cherokee citizen by blood, and the said Robert A. Prather as a citizen by intermarriage.

The undersigned, being sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. [illegible]

Sworn to and subscribed before
me this 7th day of October, 1940.

[illegible]

COMMISSIONER.

SUPPLEMENTAL: The Cherokee, D-16.

TESTIMONY ON THE PART OF THE APPLICANT:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., Oct. 9, 1901.

In the matter of the application of Lenora Prather et al, for enrollment as Cherokee Freedmen.

Appearances:
Preston S. Davis, attorney for applicant;
J. L. Bennett, of Representatives of Cherokee Nation.

LENORA PRATHER, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVIS:

Q What is your name? A Lenora Prather.
Q What is your age? A 33.
Q Your post-office address? A Grove, Indian Territory.
Q The district in which you live? A Delaware.
Q What was your husband's name? A Richard L. Prather.
Q What was his father's name? A Robert A. Prather.
Q What was his mother's name? A Caroline Prather.
Q Where were you married to your husband? A Claremore.
Q When? A November 20th, 1893.
Q Did he procure a license for this marriage? A Yes sir.
Q Where? A Claremore.
Q From whom? A The clerk, Joe Lahey.
Q Clerk of what district? A Cooweescoowee.
Q Did you ever see this license? A Yes sir.
Q Were they in the possession of your husband after your marriage? A Yes sir.
Q Were you ever able to find them after his death? A No sir.
Q Have you had any search made of the marriage records of Cooweescoowee District of late to find these, that record? A Yes sir.
Q Were you able to find it? A No sir.
Q Did you ever read those licenses? A I have.
Q You have read it? A Yes sir.
Q And you said that he had the license in his possession? A Yes sir.
Q You were married in Claremore? A Yes sir.
Q You remember any one that assisted at that marriage? A My parents.
Q What is your father's name? A M. S. Jackson.
Q What is your mother's name? A M. S. Jackson.
Q Your father M. S. and your mother M. S.? A Yes sir.
Q Where do they live now? A In Texas.
Q You know what county? A Those well I think that is it, I dont just remember.
Q Are they old people? A Yes sir.
Q I wish you would examine this? A (Hands applicant paper.)
Q What are these papers? A Affidavits.
Q Affidavit of your father and of your mother, in regard to this marriage? A Yes sir.

MR. DAVIS: We would like to offer these, if your Honor please, these people are old and live down in the State of Texas. They seem to be in proper form.

MR. BENNETT: We will have to object to the accepting of the affidavits.

COMM'R NEEDLES: As I have told you, Mr. Davis, it is not the custom of the rules of the Commission to accept affidavits at this time, and their acceptance is objected to by the Representatives of the Cherokee Nation. I think the marriage-

MR. DAVIS: I simply offered them for what they are worth. The people are old, they seem to be in very moderate circumstances. I shall follow it up with the proof of common law marriage. Had the married at home, and it was a quiet wedding.

Lenora Prettiy et al v.

COM'R WORKLEY: Affidavits will be filed for that they are [illegible] but the Commission will not accept them at this time as [illegible] timony.

BY MR. ENVIS:

Q You were married under these licenses that your husband procured at Claremore? A Yes sir.

Q At whose home were you married? A My father's.

Q Your father's home? A Yes sir.

COMMISSIONER WORKLEY: This testimony will be filed with the papers in the case.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of office stenographic notes thereof.

W D Green

Subscribed and sworn to before me this October 10th, 1906.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sam Houston Prather, et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Sam Houston Prather, et al.,.....	Cherokee	D 16
Jesse Q. Prather,.....	"	D 976
Effie Denton, et al.,.....	"	D 79
Georgia A. Seabolt, et al.,.....	"	D 119

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission, by Lenora Prather for the enrollment of her two minor children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation and for the enrollment of herself as a citizen by intermarriage of said Nation, but as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Lenora Prather, as such, will not be passed upon or considered in this decision; by Lee B. Prather for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of said Nation; by Effie Denton for enrollment as a citizen by blood of said Nation; that subsequent to the date of her application a birth affidavit as to her minor child, Margie Denton, was filed with the Commission and the same is made a part of the record herein; by Luna Seabolt for the enrollment of his wife, Georgia A. Seabolt, as a citizen by blood of said Nation; and subsequent to the date of his application an affidavit as to the birth of his minor child, Sam M. Seabolt, was filed with the Commission and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the applications for the enrollment of Robert A. Prather, et al. and John Parks, et al. are made a part of the record herein.

The evidence shows that all the applicants herein are the descendants of one, Richard L. Prather, a Cherokee by blood; that the said Richard L. Prather is the son of Caroline C. Prather who was admitted as a citizen by blood of the Cherokee Nation by the duly constituted authorities of said Nation on December 19, 1870, at which time the said Richard L. Prather was a minor; and that all said descendants of Richard L. Prather were born since December 19, 1870.

The evidence further shows that the said applicants are identified on the tribal rolls of the Cherokee Nation as follows: Sam Houston Prather on the 1896 strip payment roll and on the 1896

census roll; Jesse Q. Prather on the 1896 census roll; Effie Denton by the name of Effie Prather on the 1896 strip payment roll and on the 1896 census roll; Georgia A. Seabolt by the name of Georgia A. Prather, on the 1896 strip payment roll and by the name of Georgia Prather on the 1896 census roll. It further appears that the said Richard L. Prather, through whom the applicants claim citizenship, is identified on the 1896 Cherokee strip payment roll and on the 1896 Cherokee census roll; and that Luna Seabolt, father of the applicant, Sam H. Seabolt, is identified on the last authenticated Cherokee roll.

The evidence further shows that the said Jesse Q. Prather and Effie Denton have resided in the Cherokee Nation continuously for more than ten years immediately preceding the date of their applications herein and that Georgia Seabolt has continuously resided therein from 1897 up to and including the date of her application herein; that the residence of the said Margie Denton and Sam H. Seabolt is considered to have been in the Cherokee Nation since their birth; and that the residence of the said Sam Houston Prather and Maggie Prather was established in the Cherokee Nation prior to June 28, 1898.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Hoffman, et al. (I.T.D.2000--1903), that Sam Houston Prather, Maggie Prather, Jesse Q. Prather, Effie Denton, Margie Denton, Georgia A. Seabolt and Sam H. Seabolt should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

This FEB 12 1908

FILMED

COMMISSIONERS.
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
R. BROOKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mr. Lee B. Prather,

Grove, Indian Territory,

Sir:-

You are hereby notified that the application of Jesse Q. Prather,

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-976
Register.

Yours truly,

[redacted]
Acting Commissioner.

Commissioner in Charge.

Cherokee 3 976

Muskogee, Ind. Ter., June 9, 1902.

Mr. J. S. Davenport,

Vinita, Ind. Ter.

Sir:

In the matter of the application for the enrollment of Jesse G. Prather as a citizen of the Cherokee Nation, you are advised that it is necessary for the proper consideration of this case that you submit to this commission additional testimony showing the citizenship of the applicant's father, Richard L. Prather, and his residence.

This testimony must be furnished on or before the 24th day of June, 1902.

Yours truly,

Acting Chairman.

Registered

Cherokee D 976

Muskogee, Ind. Ter., June 9, 1902.

Mr. Lee B. Prather,
Grove, Ind. Ter.

Sir:

In the matter of your application for the enrollment of Jesse Q. Prather as a citizen of the Cherokee Nation, you are advised that it is necessary for the proper consideration of this case that you submit additional testimony showing the citizenship of the applicant's father, Richard L. Prather, and his residence.

This testimony must be furnished on or before the 24th day of June, 1902.

Yours truly,

Register. Acting Chairman.

COPY

Cherokee D-18-879-
79-119.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, in the consolidated case of Sam Houston Prather et al., granting the applications for the enrollment of Sam Houston, Maggie and Jesse O. Prather, Effie and Margie Denton and Georgia A. and Sam H. Seabolt, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chas. D. Cole

Secretary.

COPY.

Cherokee D-976

Muskogee, Indian Territory, October 12, 1906.

Lee B. Prather,

Grove, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1906, granting, among others, your application for the enrollment of your minor nephew, Jesse Q. Prather, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Enc. D-128

Register.

Chairman.

COPY.

Cherokee D-976.

Muskogee, Indian Territory, October 12, 1903.

James S. Davenport,
Attorney for Jesse Q. Prather,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting, among others, the application of Lee B. Prather for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-129
Register.

Cher 10323

William Lovett

Trans. from D180

Cher 10323

a

Check to Entry 10323

COMMUNICATIONS TO THE DISCIPLINARY COMMITTEE
FILED
SEP 4 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft.Gibson, I.T. August 24, 1900.

In the matter of the applicationof Annie Lovett for the enrollment of herself and three children as Cherokee citizens; being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Annie Lovett.
Q What is your age? A Thirty-seven.
Q What is your post-office address? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A No sir, by intermarriage.
Q What district do you live in? A Illinois.
Q How long have you lived in Illinois District? A Over fourteen years.
Q Continuously right along? A Yes sir.
Q Who do you apply for? A Myself and three children.
Q What is your father's name? A John Griffin.
Q He a white man? A Yes sir.
Q Your mother non-citizen? A Yes sir.
Q What is the name of your husband? A James Lovett.
Q Is he living? A No sir, he is dead.
Q Washe a citizen by blood of the Cherokee Nation? A Yes sir.
Q When did he die? A He has been dead over five years, died in 1895.
Q Have you a certificate of marriage? A No sir.
Q Have you proof of marriage? A Yes sir.
Q What proof have you got? A I have witnesses.
Q Who married you? A Man by the name of George Gordon.
Q Is he living? A Yes sir.
Q When were you married? A I was married January 8th 1886.
Q What was your name before you were married? Annie Griffin.
Q What are the namesof your children? A William Lovett, twelve years old; Elmira Lovett, ten years old; Rosa Lovett, eight years old.
Q Are these children alive and living with you? A Yes sir.
Q Did you ever have a certificate of marriage? A No sir.
1896 roll page 931 #114 Anna Lovette Illinois District.
1896 roll page 875 #1043 William Lovette Illinois District.
1896 roll page 875 #1044 Elmira Lovette Illinois District.
1896 roll page 875 #1045 Rosie Lovette, Illinois District.

Examination by Cherokee Representative W.T.Hastings:
Q Was James Lovett ever married prior to his marriage to you?
A Yes sir.
Q Whatwas hisformer wife's name? A Annie Quinton.
Q Afterwards Annie Lovett? A Yes sir.
Q Is she living? A She was the last I heard of her.
Q Where was she? A She was in the Osage Nation.
Q Was James Lovett ever divorced from her by the courts? A No sir.

By Com'r Needles:
Q Do you know whether he was ever married to her legally or not?
A He told me two or three daysbefore he died,- I asked him about getting a divorce, and he says let her prove that we was ever married; he never would say that he was ever married to her, and never would deny it.

Com'r Needles: The name of Annie Lovett appears upon the census roll of 1896; she avers that she was married to James Lovett a Cherokee citizen by blood January 8, 1886, by one George Gordon, a Minister of the Gospel, but presents no certificate of marriage; the testimony also shows that said James Lovett had a former wife named Anna who is probably now living, but from whom he was never divorced; the names of applicants' children, William, Elmira and

Rosie appear upon the census roll of 1896; satisfactory proof has been made as to the residence, and they are fully identified according to page and number of the rolls as indicated in the testimony; final judgment as to the enrollment of said Annie Lovett and her children will be suspended , for the reason that the evidence, so far considered, shows that there was no divorce between her husband and his first wife, and no certificate of marriage between him and the applicant, Annie, has been presented; the applicant is advised to procure a certificate of her marriage and file it with this Commission; her name and the names of her children will be placed upon a doubtful card.

M.D.Green being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and completetranscript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 1st day of September 1900.

C M Foreman

Commissioner.

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B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 24 1900

ACTING CHAIRMAN

ILLINOIS.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ..... AUG 24 1900 ..... 1900.

Name

District — Year. — Page — No.

Citizen by blood — Mother's citizenship

Intermarried citizen

Married under what law — Date of marriage

License — Certificate

Wife's name

District — Year — Page — No.

Citizen by blood — Mother's citizenship

Intermarried citizen

Married under what law — Date of marriage

License — Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Date of marriage to be supplied.

D 180

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG [illegible] 1900

Marriage certificate

January 8th 1886

I G. W. Gordon a
minister of the gospel
do hereby certify that
on the 8 day of January
1886. I did duly and
according to law
solemnize the Rite
and publish the Banns
of Matrimony between
Mr James Jovett
and Annie Griffen
witness my hand this
8 day of January 1886

G. W. Gordon
witness by Ellen Gordon
a minister of the gospel

Q Do you close it and submit it to the Commission for final consideration? A Yes sir.

M. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. Green

Subscribed and sworn to before me this February 21, 1902.

Commissioner.

RECEIVED SEP 5 1905

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"R"

Cherokee D 180

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Annie Lovett for the enrollment of herself and children as Cherokee citizens.

Appearances:
Applicant, in person;
W.W.Hastings, attorney for the Cherokee Nation.

ANNIE LOVETT, being sworn and examined, testified as follows:
BY COMMISSION:
Q What is your name? A Annie Lovett.
Q Where do you live? A Illinois District, Braggs.
Q Whatis your husband's name? A James Lovett.
Q Is he living or dead? A Dead.
Q He was married prior to his marriage to you was he? A Yes sir, lived with a woman.
Q You know who married him to his first wife? A No sir, I do not.
Q You know how long he lived with her? A No sir, I do not know; I suppose some 10 or 12 years.
Q Did he have any children by her? A Yes sir.
Q Was he ever divorced from her? A No sir, he was never married to her.
Q Did you know his first wife? A Yes sir, I have seen her, I didn't know her up to the time I married him though.
Q How do you know they were never married? A Well about four years before he died I asked him about it, they supposed he wouldn't live long, and I asked him about why he hadn't got a divorce and he says, let me tell you what it is, he says, first thing you do you makeher prove that we was ever married; and I have a witness that will swear that he told her the same. My husband told another lady the same thing.
Q That witness here to-day? A Yes sir.
BY MR. HASTINGS:
Q When did he tell her that? A He told her that before me and him was married; before ever I knew this other woman.
Q He lived with this woman ten or twelve years? A I think so.
Q How many children did they have? A Four.
BY COMMISSION:
Q Any other statement you want to make about your case? A Nothing that I know of.

HENRIETTA IRVING, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Henrietta Irving.
Q Where do you live? A I live in Braggs.
Q Are you acquainted with the applicant in this case, Annie Lovett? A Yes sir.
Q Do you know of your own knowledge anything about the statement that he made to her just prior to his death relative to his first marriage? A Nothing only what my husband told me, that was a half brother of his; I was not there myself. He talked to me a good while before that; I was asked to go and talk to him when they thought he was bad off, and he told me just about what he told her the night he died.
APPLICANT, ANNIE LOVETT, re-called and further examined:
BY COMMISSION:
Q Any other statement you desire to make relative to the case? A No sir.
Q Do you submit it to the Commission for final consideration? A Sir?

-4- S 120

Q. Do you place it and submit it to the Commission for final consideration? A. Yes sir.

E.Dawson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 21, 1908.

Commissioner.

(COPY)

MARRIAGE LICENSE.

United States of America,

Indian Territory, ss. No. 129

Northern District/

To any person authorized by law to solemnize marriage, Greeting:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. John W. Williams of Braggs, in the Indian Territory, aged 28 years, and Mrs. Ann Loveitt of Braggs, in the Indian Territory, aged 38, years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal at Muskogee, Indian Territory, this 20th day of July, A. D. 1901.

Chas. A. Davidson,
Clerk of U. S. Court.

By Wm. R. Shackelford, Deputy.

CERTIFICATE of MARRIAGE.

United States of America,

Indian Territory. ss.

Northern District.

I, J. H. Crummett, a Minister of the Gospel, do hereby certify that on the 28 day of July A. D. 1901, I did duly and according to law as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 28 day of July, A. D. 1901.

J. H. Crummett,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America
Indian Territory
Northern District.

I, Chas. A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 2 day of Sept. 1901, and duly recorded at Book L., Marriage Record, Page 111. Witness my hand and seal of said Court at Muskogee, in said Territory, this 1 day of October, A. D. 1901.

Chas. A. Davidson, Clerk.

(COPY)

CERTIFICATE OF TRUE COPY.

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United States of America
Indian Territory ss.
Northern Dsitrict;

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument herete attached is a full, true and correct copy of a marriage license filedin my office on the 2 day of Sept. 1901.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 25 day of March, A. D. 1902.

Chas. A. Davidson,
Clerk and Ex-officio Recorder.

By. R. A. Owen, Ceputy Clerk.

GRS

(COPY).

N O T I C E.

In the matter of the application of Annie Lovettfor enrollment as a Cherokee citizen:

To Mrs. Annie Williams,

Braggs, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on April ~~19th, A. D. 1902, at 8 o'clock a/ m/, or from day to day thereafter~~ until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this April 5, 1902.

W. W. Hastings, J.C.S

Attorneys for the Cher Nation

No. C. S. 180.

Q [illegible] they live together? A I don't know what I'm [illegible] tell exactly; they must have lived together about 14 years I guess.
Q Is your sister still living, Jim Lovett's first wife? A Yes sir, she is at [illegible]. I wrote to her before. I know she was [illegible] here and she hasn't come yet [illegible] started.
Q Do you know whether or not she was ever divorced from Jim Lovett? A I do, she was divorced.
Q Was he ever divorced from her? A If he was I do not know it.
Q You were not present when your sister and Jim Lovett were married? A No sir, I [illegible] can remember it did was a judge that lived at Oakfield by the name of Thornton and that was the man that married them so they said. I wasn't present.
Q They said they were married by a man named Thornton? A Yes sir, Judge Thornton.
Q In what district? A [illegible] District.
Q Do you know about how old Jim Lovett was; about how old was you? A I was 15 years old.
Q And you are now 41 years old? A Yes sir.
Q Well now did Jim Lovett and your sister live together as man and wife from the time of their marriage until their separation some 14 years ago, as man and wife? A They separated about a year and then they lived together on until their separation [illegible].
Q Did your sister have any children by Jim Lovett? A Yes sir.
Q How many? A Four.
Q Are they all living? A Yes sir.
Q They were all born to her? A Three are living.
Q These four children were born to your sister while she and Jim Lovett were living together as husband and wife? A Yes sir.
Q Were they generally recognized as husband and wife throughout the community? A Yes sir.
Q Do you know his second wife, Annie Lovett? A Yes sir.
Q She a Cherokee or white woman? A White woman.
Q When was she married to Jim Lovett? A They have been married quite a while; I don't know just when it was. I don't know the date.
Q Did they live together up until the time he died? A Yes sir.
Q You know who married them? A No sir, I do not.

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Cherc. D-180.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Annie Lovett for the enrollment of herself and children as citizens of the Cherokee Nation.

Louisa Troglin, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Louisa Troglin.
Q How old are you? A 22 years old.
Q What is your father's name? A Jim Lovett.
Q Living or dead? A He is dead.
Q What is your mother's name? A Annie Quinton.
Q Is she living? A Yes sir.
Q Is she a Cherokee or white woman? A Cherokee.
Q Your mother is a Cherokee? A Yes sir.
Q Was your father married more than once? A Yes sir.
Q Are you his child by his first or second marriage? A First wife.
Q His second wife living now? A Yes sir.
Q She a Cherokee or white woman? A She is a white woman.
Q Now what was your mother's father's name? A John Quinton.
Q What was your mother's mother's name? A Nellie Quinton.
Q Do you know how long it has been since your father and mother were married; are you the oldest child? A No sir, I aint the oldest child.
Q Now your own mother is still living? A Yes sir, my own mother is still living.
Q How long has she and your father been separated? A Why they aint been separated very long.
Q Do you know about how long it was? A No sir, I don't.
Q Do you know whether or not they were divorced? A No sir, they weren't divorced.
Q You know that of your own knowledge? A No sir, I just heard them talk about it.
Q Did your mother say she was never divorced from your father? A Yes sir.
Q Do you know whether your father was divorced from your mother? A I don't know, I don't think they were divorced.
Q Did you live with your father or mother? A Part of the time with Mother and with father.
Q Did he ever say she was divorced from your mother? A I never heard him say and I never asked him.
Q When was your father married to your stepmother, Annie Lovett, a white woman? A Why I don't remember what time he did marry her.
Q Have they any children? A Yes sir.
Q How old is the oldest child? A Why he is about four or five years old.
Q How many children have they? A Three.
Q What are their names do you know? A Yes sir.
Q What are they? A William, Elmira and Rosie.
Q Isn't William older than five years? A I don't know.
Q Have you ever seen them? A Yes sir.
Q How big is he? A About that high (indicating).
Q Do you know when this last child Rosie was born? A No sir.

Rosa Rogers, being sworn and examined by the Commission, testified as follows:

Q What is your name? A My name is Emma Rogers.
Q How old are you? A Well I don't know just exactly; I guess I am about 41 years old.
Q What is your post office address? A Braggs.
Q Did you know James Lovett who is now deceased? A Yes sir.
Q Were you related to him ? A No sir, he was my brother-in-law.
Q Was his first wife your sister? A Yes sir.
Q What was her name? A Annie Quinton.
Q Was she a Cherokee? nA Yes sir, claimed to be Cherokee.
Q Do you know when he was married to her? A No sir, I do not; I was younger than she was and I can't tell the exact time they were married.
Q How long did they live together? A I don't know that I can tell exactly; they must have lived together about 14 years I guess.
Q Is your sister still living, Jim Lovett's first wife? A Yes sir, she is at Webbers Falls now. I wrote to her before I knew she was to come and I wote for her to be here and she hadn't come when we started.
Q Do you know whether or not she was ever divgroed from James Lovett? A I do, she was never divorced.
Q Was he ever divorced from her? A If he was I do not know it.
Q You were not present when your sister and James Lovett were married? A No sir, I ~~said~~ can remember there was a judge that lived at Garfield by the name of Thornton and that was the man that married them so they said, I wasn't present.
Q They said they were married by a man named Thornton? A Yes sir, Judge Thornton.
Q In what district? A Illinois District.
Q Do you know about how long ago that was; about how old were you? A I was 15 years old.
Q And you are now 41 years old? A Yes sir.
Q Well now did Jim Lovett and your sister live together as man and wife from the time of their marriage until their separation some 14 years ago, as man and wife? A They separated about a year and then they lived together on until their separation at that time.
Q Did your sister have any children by Jim Lobett? A Yes sir.
Q How many? A Four.
Q Are they all living? A No sir.
Q They were all born to her? A Three are living.
Q These four children were born to your sister while she and Jim Lovett were living together as husband and wife? A Yes sir.
Q Were they generally recognized as husband and wife throughout the community? A Yes sir.
Q Do you know his second wife, Annie Lovett? A Yes sir.
Q She a Cherokee or white woman? A White woman.
Q When was she married to Jim Lovett? A They have been married quite a while; I don't know just when it was. I don't know the date.
Q Did they live together up until the time he died? A Yes sir.
Q You know who married them?n A No sir, I do not.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

[illegible]

(COPY)

AFFIDAVIT.

United States of America,
Indian Territory, ss.
Northern District.

In the matter of the application of Annie Lovett for enrollment as a Cherokee citizen, No. C. R. 180
W. N. Martin, of lawful age, being duly sworn on oath states that on the 8th day of April, A. D. 1902, he registered to Mrs. Annie Williams whose postoffice is Braggs, Indian Territory, a notice, a true copy of which is attached to this affidavit, and that on the 12 day of April, 1902, he received the return card which is hereto attached, signed by the said Annie Williams, showing that he had received said notice.

W. N. Martin,

Subscribed and sworn to before me on this ht e 12 day of April, A. D. 1902.

J. C. Starr,
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 10, 1908.

In the matter of the application of Annie Lovett for enrollment as a citizen by intermarriage of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by J. F. Parr.

ANNIE WILLIAMS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Annie Williams.
Q How old are you? A 37.
Q What is your postoffice address? A Braggs.
Q You have heretofore applied to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes, sir.
Q What was your name when this application was made? A Annie Lovett.
Q Have you married since that time? A Yes, sir.
Q What is the name of your present husband? A John W. Williams.
Q Is he living or dead? A Living.
Q Is he a Cherokee or a white man? A White man.
Q Has he ever in any manner been recognized by the tribal authorities of the Cherokee Nation as a citizen? A No, sir.
Q When were you married to him? A 28th of July, 1901.

There is offered in evidence by the representative of the Cherokee Nation present a certified copy of a marriage license issued by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, by William H. Rechefort, Deputy Clerk, on the 28th day of July, 1901, authorizing the marriage of John W. Williams and Mrs. Annie Lovett. The certificate attached shows that they were united in matrimony by J. N. Grumbett, a minister of the Gospel, on the 28th day of July, 1901.

Q Were you ever married before you married your husband Lovett? A No, sir.
Q Was he ever married before he married you? A Yes, sir.
Q What was the name of his first wife? A Annie Quinton, he lived with her, I don't know whether he was married or not.
Q Well, was she living when you married Lovett? A Yes, sir.
Q Is she living now? A Yes, sir.
Q Who married you to Lovett? A G. W. Gordon.
Q Was this Annie Quinton a Cherokee or a white woman? A Cherokee.
Q Well, did your husband ever say anything to you about having procured a divorce from her? A No, sir. He never would say that he was married to her.
Q Did you know Annie Quinton? A After I married Lovett I knew her.
Q Well, did you ever speak to her about this matter? A No, sir, I never did.
Q What did your husband ever say to you about his marriage to Annie Quinton? A He said if ever anything came up he said for me to make her prove that her and him was ever married.
Q Is she living now? A Yes, sir.
Q Where does she live? A Last I heard of her she was down about Pryor.
Q How long did you live with Lovett, up until the time he died? A Yes, sir.
Q How long had he been living with this Annie Quinton, do you know? A No, sir, I don't know the exact time.
Q Well, do you know about how long it was? A Well, I suppose it was such right up that place.
Q Did he have any children by her? A Yes, sir.
Q How many? A Three living and one dead.
Q How long after his separation from Annie Quinton was it that you

married that A. Yes sir.

Did people other than some relatives you were married? A. No, sir.

Was you living with you husband? A. Living in the upper part of the Indian, Independence Michigan.

Until when did he live? A. He was living around Pinney in Indian Reservation.

How far from you? A. Oh, I imagine about or just a mile.

Did you know him very long before you married him? A. Yes, about couple of years.

You didn't have much opinion of him before you married him? A. No, sir.

The foregoing testimony by the representative assigned to call witnesses to sections 2(b) of the Omnibus bill of the Chippewa Indians for the year 1946.

Arthur G. Cronkhyer, being first duly sworn, states that he stenographer to the foregoing at the five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Arthur G. Cronkhyer

Subscribed and sworn to before me this 22nd day of April, 1946.

Notary Public.

Q. Is-he a white man? A. Yes sir.

Cher-4-183.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 16, 1906.

In the matter of the application of Annie Levett for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her children William, Elmira and Rose Levett as citizens by blood of the Cherokee Nation.

Annie Levett, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A My present name is Annie Williams.
Q How old are you? A Thirty nine years old.
Q What is your postoffice address? A Muskogee, I. T.
Q Are you a white woman? A Yes sir.
Q What was the name of your Cherokee husband? A James Levett.
Q When were you married to him? A In 1896.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he dead? A Yes sir.
Q How long did you live with him? From the time you were married up to the time of his death? A Yes sir.
Q He was your first husband? A Yes sir.
Q Was you his first wife? A No, he lived with a Cherokee woman.
Q Did he marry to her? A He always said he was not.
Q Was she living when you were married to him? A Yes sir.
Q You say James Levett is dead? A Yes sir.
Q Have you married since his death? A Yes sir.
Q What is your present husband's name? A John E. Williams.
Q Is he a white man? A Yes sir.
Q When did you marry him? A In 1901.
Q How many years ago? A That a little over a year ago.
Q 1905? A Yes sir.
Q You are living with him now, are you? A Yes sir.
Q He does not claim to be a Cherokee citizen, does he? A No sir.
Q How many children have you? A Three.
Q Are they all living? A Yes sir.
Q These children are by your first husband James Levett? A Yes sir.
Q Are they all living with you now? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings had in the above entitled cause on the 16th day of October, 1906, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this 16th day of October, 1906.

T. B. Jones
Notary Public.

Cherokee N 189.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, July 2, 1903.

In the matter of the application for the enrollment of William, Elmira and Rosa Lovett as citizens by blood of the Cherokee Nation.

S U P P L E M E N T A L S T A T E M E N T.

An examination of a printed copy of the 1880 authenticated roll of the Cherokee Nation, now in possession of the Commission, shows that James Lovett, father of the applicants herein, is identified thereon as a native Cherokee, at #1906, Illinois District.

Copies of this statement are ordered filed herewith and made a part of the record in this case.

C. R. Breckinridge.
Commissioner.

Cherokee D 180.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William, Elmira and Rosa Lovett as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 24, 1900, Annie Williams (formerly Lovett) appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself, by the name of Annie Lovett, as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her three minor children, William, Elmira and Rosa Lovett, as citizens by blood of the Cherokee Nation. The status of persons claiming as citizens by intermarriage of the Cherokee Nation not being fixed at this time the application of Annie Williams (formerly Lovett) for enrollment, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 20, April 8 and April 19, 1902.

The evidence shows that the applicants, William, Elmira and Rosa Lovett were born since 1880 and are the children of one James Lovett, who is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation. It further appears that the applicants are identified on the Cherokee census roll of 1896.

The evidence further shows that the applicants have resided in the Cherokee Nation for a period of fourteen years immediately preceding the date of their application herein.

It is, therefore, the opinion of this Commission that William Lovett, Elmira Lovett and Rosa Lovett should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1902

W E Harvey

Commissioner.

COPY.

Cherokee D-180

Muskogee, Indian Territory, September 22, 1908

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1908, granting the application of Annie Williams for the enrollment of her three minor children, William, Elmira and Rosa Lovett, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-24

Cher 10324
George W. Hicks
Trans. from D396

Cher 10324

U396

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900

ACTING CHAIRMAN.

[illegible] of the Interior,
[illegible] Indian Service, I. T.,
[illegible]

[illegible] life
[illegible] District.
[illegible] Yes, sir.
[illegible] afternoon.
[illegible] Up to 1885.
[illegible] Iowa
[illegible] did
[illegible] tist
[illegible] Yes, sir.
[illegible] true
[illegible]
[illegible]
[illegible]
A [illegible] I went [illegible] midwifery.
[illegible] political [illegible] are
exp[illegible]
I [illegible] No, sir,
[illegible] Yes, sir.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ar.
[illegible]
[illegible] Yes, sir.
[illegible]
[illegible] years.
[illegible]
Q [illegible] old? A [illegible] years old.
Q When is your [illegible]? A [illegible].
Q She lived [illegible] in 1884? A Yes, sir.
Q Is she on the roll [illegible]? A Yes, sir.
Q Give me the names of your children, please? A Almon A. Hicks, 11 years old.
Q Your next child, please? A Ruth H. Hicks, 7 years old.
Q The next child? A Grace, 5 years old.
Q That is all, is it? A Yes, sir.

[illegible]

[illegible]

(See [illegible] on 1[illegible] roll, page 838, [illegible] 534, [illegible]
Selina [illegible]; [illegible] 1[illegible] roll, [illegible] 519, [illegible]
Selina [illegible]. See [illegible] 1134, [illegible] 1[illegible], [illegible]
[illegible] roll, [illegible]
[illegible] roll, [illegible]
[illegible] on 1[illegible]6 roll,
[illegible], Selina [illegible].)

[illegible] Yes, sir.

(Q. [illegible] certificate of marriage
[illegible] United
[illegible].)

[illegible] roll, his [illegible]
[illegible] roll [illegible] 1[illegible]0 [illegible] 1[illegible]6
[illegible] sub-
[illegible] to fill
[illegible]. [illegible]
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[illegible] roll [illegible]. [illegible] [illegible]r-
[illegible] tified
[illegible]
[illegible] ard
[illegible].

[illegible] to
[illegible] the
[illegible]
[illegible].

Bruce Jones

Sworn [illegible], 1909.

[illegible]

Cherokee D-[illegible]

THIS CERTIFIES THAT

George Washington Hicks and Mary Jane Walker

were united by me in marriage according to the Ordinances of God and the laws of the Cherokee Nation of the Indian Territory at [illegible] on the 25th day of October 1888.

Clara A. McBride J. S. [illegible]
Secretary

I, the undersigned stenographer of the Commission to the Five Civilized Tribes do certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of George W., Almon A., Ruth E. and Grace Hicks as citizens of the Cherokee Nation.

M. K. [illegible]

THE AMERICAN BAPTIST HOME MISSION SOCIETY,
Rooms 807 and 10 Constable Building.
No 111 Fifth Avenue
New York, Dec 21st, 1900.

Rev Thomas J. Morgan, LL.D.,
Cor. Sec.
Frank H. Hathaway, Treasurer.
H. L. Morehouse, D.D. Field Sec.
Rev. Alex. Turnbull, Asst.Cor.Sec.
D.W. Perkins Esq.in Charge of
Church Ed. Fund.

New York Dec. 21st, 1900.

Dictated by H.L.M.
Hon. W. T. Hutchings,
Muskogee, Ind. Ter.
Dear Sir:

At the request of the Rev. G. W. Hicks, our missionary to the Kiowa Indians, I send you the following statement concerning his relations to these Indians and to the Society. Mr. Hicks was appointed in 1867 to labor among the Wichitas and Caddoes, and subsequently among the Kiowas, and for all these intervening years has been engaged exclusively in missionary work, having no other occupation whatever. His labors have been very successful among the Blanket Indians. We have always regarded him as a Cherokee, who was temporarily employed by the Society to lab or among the Indians in Oklahoma. His appointemnt has been made from year to year, and not for any longer period of time. He is not a citizen among the Kiowas, nor has he any interests there at all except those relating to his missionary work. I would suggest, that his residence there is merely temporary, only so long as he is under appointment by the Society, and that if the Society should for any reason discontinue his appointment he would undoubtedly return, as he may indeed return, at any time to his old home among the Cherokees. We feel that it would be a great injustice if Mr. Hicks were deprived of his property rights among the Cherokees because of his ytemporary absence, under the conditions mentioned above.

Very truly yours,

H. L. Morehouse,
Field Sec'y.

(M)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a full and correct copy of a letter received from H. L. Morehouse, now in the possession of the Commission.

Tolla Mielen

Cherokee B 304

UNITED STATES INDIAN SERVICE.

Kiowa, Comanche and Wichita,
Agency,
Anadarko, Ind. Ter. May [illegible]

To Whom It May Concern:

This is to certify that G. W. Hicks has never been enrolled with any of the Tribes of Indians residing on this reservation. Has recieved neither money or Annuities due those Indians. But has resided on this reservation for some time doing Missionary work among them.

Geo. D. Day,
U. S. Indian Agent.

(S E A L)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of a certificate on file in this office.

Ella Wielang

Cherokee D 396

INDIAN TERRITORY BAPTIST CONVENTION.

Rev. C. Stubblefield, Duncan Corresponding Secretary.
Rev. W. P. Blake, Muskogee Treasurer
Rev. J. S. Murrow, Atoka, Missionary to the Indians
Atoka, Indian Territory,
Jan. 12/ 1901.

Hon. W. T. Hutchings,
Atty. &c.

Dear Brother:

Please read this letter from your old brother, carefully. I write in behalf of Bro. Geo. W. Hicks and his family, Cherokee citizens, who are now on the Doubtful list before the Dawes Commission. I think you will remember the case. Bro. Hicks is a Cherokee by blood. He was born and brought up in the Cherokee Nation. He was educated at Indian University; was a young preacher and went to Rochester, New York and took a Theological course. When he returned we sent him to the Blanket Indians to work for them. He has done a grand work among these people. But there he has never applied for any privileges. He took no land in Cheyenne Country. He has always claimed the Cherokee Nation as his home, has a farm there and has drawn his monies as other Cherokees. Instead of being debarred from citizenship the Cherokees ought to feel proud of him for his works sake. The members of Cherokee Baptist Association have several times endorsed him, said they would stand by him and do all they could to secure his citizenship, so with the H. M. Society in New York. I beg that you will especially interest yourself in seeing that his name and the names of his wife and children go on the rolls as bona fide Cherokee citizens.

Sincerely,

J. S. Murrow.

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a correct copy of a letter to Hon. W. T. Hutchings from Rev. J. S. Murrow, now on file in this office.

Celia Melony

Cherokee D 396

J.F.R. (B)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Kiowa Agency,
Anadarko, Okla. March 18, 1901.

To Whom It May Concern:

This is to certify that G. W. Kiehl was never enrolled with any of the Tribes of Indians residing upon the reservations of this Agency, nor has he ever received monies or annuities due said Indians. He has resided upon these reservations for a number of years doing religious missionary work with the Indians and is considered as worthy of confidence and esteem.

Very respectfully,

James F. Randall,

Lt. Col. U.S.A. U.S. Indian Agent.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes do certify that the above is a true and correct copy of the certificate on file in this office.

Ella Milburn

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] the matter of the application of George W. Hicks [illegible] enroll [illegible] Nation.

[illegible] 10, 1908, [illegible]

COMMISSION: [illegible] will be your agent of the applicant [illegible] certificate showing that George Washington Hicks and Mary Jane Bellew were united in matrimony by J. F. Driskell, a Missionary, on the 28th day of October, 1888.

GEORGE W. HICKS, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A George W. Hicks.
Q Where do you live? A Live near Hobart, Oklahoma, postoffice address Oakdale that I gave before.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation, are you? A Yes, sir.
Q Is your wife, Jane M. Hicks, the identical Mary Jane Bellew who is mentioned in this certificate of marriage? A Yes, sir.
Q You submit the same to the Commission for consideration? A Yes, sir.

D. 396.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 26, 1902.

In the matter of the application of George W. Hicks for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 10, 1902, that his case would be taken up for final consideration by the Commission on the 26th day of February, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day appears in person and by his agent, J. H. Sequitchie.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: There is offered in evidence by the agent of the applicant a marriage certificate showing that George Washington Hicks and Mary Jane Bellew were united in matrimony by J. E. Murrell, a missionary, on the 25th day of October, 1888.

GEORGE W. HICKS, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A George W. Hicks.
Q Where do you live? A Live Near Hobart, Oklahoma, postoffice was Oakdale that I gave before.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation, are you? A Yes, sir.
Q Is your wife, Jane M. Hicks, the identical Mary Jane Bellew who is mentioned in this certificate of marriage? A Yes, sir.
Q You submit the case to the Commission for consideration?
MR. SEQUITCHIE: Yes, sir.
COMMISSION: The applicant and his agent and the representatives of the Cherokee Nation present submit this case to the Commission, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 27th day of February, 1902.

[illegible]

Commissioner.

[illegible]

[illegible]

enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 10, 1902, that his case would be taken up for final consideration by the Commission on the [illegible] day of [illegible], 190[illegible]. Receipt has been acknowledged of the Commission's letter and the applicant this day appears in person and by his agent, J. R. Sequitchie.

Cherokee Nation represented by W. F. Hastings.

COMMISSION: There is offered in evidence by the agent of the applicant a marriage certificate showing that George Washington Hicks and Mary Jane Bellew were united in matrimony by J. S. Murrell, a missionary, on the 25th day of October, 1888.

GEORGE W. HICKS, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A George W. Hicks.
Q Where do you live? A Live near Hobart, Oklahoma, postoffice was Oakdale that I gave before.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation, are you? A Yes, sir.
Q Is your wife, Jane M. Hicks, the identical Mary Jane Bellew who is mentioned in this certificate of marriage? A Yes, sir.
Q You submit this case on the application for consideration?

D. 336.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 26, 1908.

In the matter of the application of George W. Hicks for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 18, 1908, that his case would be taken up for final consideration by the Commission on the 26th day of February, 1908. Receipt has been acknowledged of the Commission's letter and the applicant this day appears in person and by his agent, J. R. Sequitchie.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: There is offered in evidence by the agent of the applicant a marriage certificate showing that George Washington Hicks and Mary Jane Bellew were united in matrimony by J. S. Murrell, a missionary, on the 25th day of October, 1888.

GEORGE W. HICKS, the applicant, being duly sworn, testified as follows:

COMMISSION: What is your name? A George W. Hicks.
Q Where do you live? A Live near Hobart, Oklahoma, postoffice was Gandale that I gave before.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation, are you? A Yes, sir.
Q Is your wife, Jane M. Hicks, the identical Mary Jane Bellew who is mentioned in this certificate of marriage? A Yes, sir.
Q You submit the case to the Commission for consideration?
MR. SEQUITCHIE: Yes, sir.
COMMISSION: The applicant and his agent and the representatives of the Cherokee Nation present submit this case to the Commission, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the showcase, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 27th day of February, 1908.

[signature]

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 4th, 1902.

In the matter of the application of George W. Hicks for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Jane M. Hicks, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Almon A., Ruth N. and Grace Hicks, as citizens by blood of the Cherokee Nation:

Supplemental to R-395.

Appearances:

Applicant appears in person.
Cherokee Nationby J. C. Starr.

George W. Hicks, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, Mr. Hicks? A. George W. Hicks.
Q. What is your post office? A. Hebart, Oklahoma.
Q. What is your age? A. 45.
Q. What is your wife's name? A. Jane M. Hicks.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. Is your wife a citizen by blood or white woman? A. White woman.
Q. When were you and your wife married? A. October 28th, '99.
Q. A little over two years, 3 years? A. Did I say '99?
Q. Yes. A. 1899.
Q. Were you ever married prior to your marriage to this wife?
A. No, sir.
Q. Was she ever married prior to her marriage to you?
A. No, sir.
Q. She is your first wife, you are her first husband?
A. Yes, sir.
Q. Have you lived together all the time since you were married?
A. Yes, sir.
Q. Never separated? A. No, sir.
Q. She has never married any other man? A. No, sir.
Q. Living together on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation?
A. All my life up to the year '88.
Q. Since that time you have located in the Wichita and Kiowa country? A. Yes, sir.
Q. That was all gone into in your former testimony? A. Yes, sir.
Q. Your wife has lived with you and the time you have been in that country? A. All the time; yes, sir.
Q. And these children, Almon A., Ruth N. and Grace, are your children by your wife Jane M., are they? A. Yes, sir.
Q. Are these children all living now? A. All living now; yes, sir.
Q. And they have lived with you all the time since their birth, have they? A. Yes, sir.

COMMISSION TO THE PU
FILED
OCT 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 4th, 1902.

In the matter of the application of George W. Nicks for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Jane M. Nicks, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Almon A., Ruth N. and Grace Nicks, as citizens by blood of the Cherokee Nation:

Supplemental to N-396.

Appearances:

Applicant appears in person.
Cherokee Nationby J. C. Starr.

George W. Nicks, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, Mr. Nicks? A. George W. Nicks.
Q. What is your post office? A. Hobart, Oklahoma.
Q. What is your age? A. 45.
Q. What is your wife's name? A. Jane M. Nicks.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. Is your wife a citizen by blood or white woman? A. White woman.
Q. When were you and your wife married? A. October 28th, '99.
Q. A little over two years, 3 years? A. Did I say '99?
Q. Yes. A. 1899.
Q. Were you ever married prior to your marriage to this wife?
A. No, sir.
Q. Was she ever married prior to her marriage to you?
A. No, sir.
Q. She is your first wife, you are her first husband?
A. Yes, sir.
Q. Have you lived together all the time since you were married?
A. Yes, sir.
Q. Never separated? A. No, sir.
Q. She has never married any other man? A. No, sir.
Q. Living together on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation?
A. All my life up to the year '85.
Q. Since that time you have located in the Wichitaw and Kiowa country? A. Yes, sir.
Q. That was all gone into in your former testimony? A. Yes, sir.
Q. Your wife has lived with you and the time you have been in that country? A. All the time; yes, sir.
Q. And these children, Almon A., Ruth N. and Grace, are your children by your wife JaneM., are they? A. Yes, sir.
Q. Are these children all living now? A. All living now; yes, sir.
Q. And they have lived with you all the time since their berth, have they? A. Yes, sir.

Jesse O. Carr, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this [illegible] day of October, 1906.

B. O. Jones
Notary Public.

Cherokee D 306.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Hicks for the enrollment of himself and his minor children, Alson A., Ruth E. and Grace Hicks, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 22, 1896, George W. Hicks appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and his minor children, Alson A., Ruth E. and Grace Hicks, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Jane M. Hicks, as a citizen by intermarriage of said Nation. The status of persons claiming citizenship by intermarriage in the Cherokee Nation not being fixed at this time, the application for the enrollment of Jane M. Hicks, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 22 and October 4, 1902.

The evidence shows that the said George W. Hicks is a Cherokee by blood and is identified by the name of G. W. Hicks on the 1880 authenticated Cherokee roll; and that the other applicants herein are his children, born since the making of said roll. It further appears that all of the applicants herein are identified on the 1896 Cherokee census roll.

The evidence further shows that the said George W. Hicks lived in the Cherokee Nation from the time of his birth up to 1900, and that from 1900 up to and including the year of his application, he has been temporarily residing outside the Nation in California, having been assigned there as a student. It further appears that

from 1896 up to the date of his said application, said George W. Hicks has maintained possession and control of a farm in the Cherokee Nation.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Thompson et al. (I.T.D.2906--1903), that George W. Hicks, Alson A. Hicks, Ruth E. Hicks and Grace Hicks should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1902

Cherokee D-396

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of George W. Hicks for the enrollment of himself and his three minor children, Almon A., Ruth H. and Grace Hicks, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant.

Respectfully,

Tams Bixby.

Enc. D-9

Chairman.

Cher 10325
Elizabeth Ridenour
Trans. from D458

Cher 10325

Q

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1900

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF JOHN M. RIDENOUR FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said John M. Ridenour, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please.

A John M. Ridenour.

Q How old are you? A I am thirty-five.

Q What is your postoffice? A Chetopa, Kansas.

Q In what district do you live? A Delaware District, when I am at home.

Q Who is it you want to have put on the roll?

A Well, myself and wife and children.

Q How many children? A Two.

Q Do you apply for yourself as a Cherokee by blood?

A No, sir; my wife is a Shawnee. I am a white man.

Q Your wife, you say, is a Shawnee? A Yes, sir.

Q Have you your marriage license and certificate? A Yes, sir.

THE COMMISSIONER: The applicant presents a duly authenticated marriage license issued by the Clerk of Delaware District December 23rd, 1889, authorizing his marriage to Miss Lizzie Garrett, a citizen of the Cherokee Nation, and the certificate shows that they were married in accordance with said license on the 25th day of the same month and year, Charles Bluejacket, officiating.

Q This Charles Bluejacket is a well recognized clergyman?

A Yes, sir; he was.

Q He does not mention here that he was a minister.

A Well, he was a minister.

THE COMMISSIONER: The paper has been accepted and recorded by the Clerk, as shown by the endorsement. It is filed herewith.

Q Now, is your wife Lizzie Garrett still living? A Yes, sir.

Q Have you lived with her ever since you married her? A Yes, sir.

Q And in the Cherokee Nation all the time? A No, sir; not all the time. We was in Chetopa.

Q Give me your wife's name. A Elizabeth Ridenour.

Q How old is your wife? A She is about forty-seven years old. She was born in 1854.

Q Is she a native of the Cherokee Nation? A She is a Shawnee.

Q Was she born in the Cherokee Nation? A No, sir.

Q When did she first come to the Cherokee Nation? A

A In 1871.

Q When the Shawnees came? A Yes, sir.

Q Is she on the roll of 1880? A I couldn't say as to that.

Q How old did you say she was? A She is forty-four--she was born in 1854, I mean.

Q She is female, of course? A Yes, sir.

Q Give me the names of your two children. A Charles Ridenour.

Q How old is that child? A He was seven years old the 16th of last March.

Q The next child? A Elmer Oliver Rideneur.

Q How old is that child? A He is five years old.

Q Both living now? A Yes, sir.

Q What was your wife's father's name? A Samuel Garrett.

Q What was her mother's name? Captain.

Q Samuel Garrett and Captain Garrett? A No, sir; I don't know what her mother's name was. Q

Q Well, say so then.

1896 Roll, page 587, No. 45, John M. Rideneur, Delaware District.

1896 Roll, page 611, No. 311, Elizabeth Rideneur, Delaware District.

1896 Roll, page 611, No. 312, Charles C. Rideneur, Delaware District.

1896 Roll, page 611, No. 313, Elma O. Rideneur, Delaware District.

Examination by Mr. Joel W. Baugh, representative of the Cherokee Nation.

Q Where did you live at after you were married? A In Delaware District.

Q Did you move out of there? When did you move away from Delaware District? A About 1895.

Q Where did you go then? A To Chetopa, Kansas.

Q Where have you lived then? A I am living there yet; that is, I am staying there.

Q You are living there yet? A I am there yet.

Q What are you following there? A Nothing at all.

Q You have no business there? A No, sir; I moved up there on account of my folks being sick when I went there; it was sickly where my place was and there wasn't no doctors down there and I moved up there to be close to the doctors, and now I am staying there for my children. My children is going to school.

Q What did you take with you up there? A My household goods. I have a place down here, out west of Miami.

Q Where was your wife in 1880? A I couldn't say where she was in 1880, whether it was here or not, but her first man, his name was William Boughman, I don't know whether he name is down like his or not.

Q Have you voted in the State or City elections in Kansas? A No, sir.

Q Do you own any property in Chetopa Kansas? A I own a little house where I live.

Q And you are making that your permanent home and residence? A No, sir; I am not, I am just staying there. I am down on my place half the time. I am backwards and forwards.

Q How much of a place have you got in the Nation? A About three hundred acres. It is about fifteen miles from Chetopa, and I am down there about half the time.

BY THE COMMISSIONER:

Q What other name did your wife ever have? A She married William Boughman, and her name was Boughman then.

THE CLERK: The applicant applies for the enrollment of herself, wife and two children. They are identified on the roll of 1896. He claims that his wife is an adopted Shawnee. She is not identified on the roll of 1880. The applicant is shown to

have married her in accordance with the Cherokee law in 1889, and states that they have lived together as husband and wife ever since. But, as shown in the testimony, the continuity of their residence in the Cherokee Nation, and the legality of their residence there at this time, is very doubtful, and they will be placed upon a doubtful card for further consideration.

---o-d---

The undersigned, being sworn, states thatas stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of October A. D. 1900.

Commissioner.

B458

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

ACTING CHAIRMAN.

DE. AWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

1 35 Name John M. Ridenour, Chetopa Kas.

District Year 1896 Page 587 No. 450

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage 1889

License Certificate

2 Wife's name Elizabeth Ridenour

District Year 1896 Page 611 No. 311

Citizen by blood Shan — Mother's citizenship Daniel Garrett

Intermarried citizen No.

Married under what law Date of marriage

License Filed 1900 Certificate Filed 1900

Names of Children:

3 Charles C. Ridenour	Dist.	Year 1896	Page 611	No. 312	Age 7
4 Elmer C. "	Dist. "	Year "	Page 611	No. 313	Age 5
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

4 On 1896 Roll as Elma C. Ridenour
Marriage license and cert. attached.

DH58

CHEROKEE NATION, I. T.

DISTRICT.

I, _____ a _____

hereby certify that on the _____ day of _____, 18_____

I joined in Marriage, Mr. _____ a citizen

of the United States, and M_____ a citizen

of the Cherokee Nation, agreeable to the authority given in the within

License and the customs and laws of the Cherokee Nation.

Given under my hand this the _____ day of

A. D. 188_____

SEP 28 1899

COMMISSION TO THE FIVE CIVILIZED TRIBES.
DEPARTMENT OF THE INTERIOR

26

CHEROKEE NATION, I. T.,
DISTRICT.

I, *a*

hereby certify that on the *day of* *188*

I joined in Marriage Mr. *a citizen*

of the United States and Miss *a citizen*

of the Cherokee Nation, agreeable to the authority given in the within

License and the customs and laws of the Cherokee Nation.

Given under my hand this the *day of*

A. D. 188

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
I. T. T.

Marriage License.

CHEROKEE NATION, I. T.,)
Delaware DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the **Holy Bonds of Matrimony,** *and to celebrate the rites and ceremonies of* **Marriage,** *between Mr.* John M Ridenour, *a citizen of the United States and Miss* Lizzie Garrett, *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this* **License** *to me, for record, within thirty days from the celebration of such* **Marriage** *with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the 23d *day of* December *A. D.* 1889.

T. J. McGhee

Clerk **District.**

D. 9458

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1901

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRICKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Winita I. T. Jan 22-01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Sarah H. Ridenbaugh for enrollment as citizens of the Cherokee Nation.

Mellette & Lucas.
Attys for applicant

No. 4458

File vrsn John M. Kidwell et al., Cherokee Nation Case

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October Term, 1908.

In the matter of the application of Frederick Garrett, Cherokee Case No. [illegible]. SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANT.

APPEARANCES:
J. L. Pough for the Cherokee Nation
Mellette & Smith for the applicants.

FREDERICK GARRETT being first duly sworn by Com'r T. B. Needles, testifies as follows.

(By Mr. Smith) State your name? A Frederick Garrett.
Q Are you the applicant in this case? A Yes sir.
Q You have testified in the case before? A Yes sir.
Q Before the Commission when you made your application? A Yes sir.
Q Do you remember what year it was that you returned to the Cherokee Nation after your father took you out when you were a boy? A I think it was either '86 or '87.
Q To what place did you return? A To the old home place.
Q Did you have any property on that place at that time? A An interest in some cattle.
Q How many cattle? A 165 head.
Q What did you do with those cattle? A I have part of them yet.
Q Did you ever vote anywhere except in the Cherokee Nation? A No sir
Q Ever hold office anywhere except in the Cherokee Nation? A No sir.
Q Ever sit on juries anywhere except in the Cherokee Nation? A No sir.
Q Have you ever voted in the Cherokee Nation? A Yes sir.
Q Ever have any permits issued to you by the Cherokee Nation? A Yes sir.
Q Where did you have the permits? A You mean where were they issued from?
Q Yes sir. A From the Clerk's office.
Q What clerk? A Mr Hastings was clerk when I got one of them.
Q What Hastings? A I dont know his first name.
Q Clerk of what district? A Delaware district.
Q Have you a brother named George Garrett? A Yes sir.
Q When did he come back to the Cherokee Nation after your father took him out? A I dont remember just when it was, he was here 2 or 3 years before I came.
Q He was here when you came? A Yes sir.
Q Have you a brother named Robert L.? A Yes sir.
Q When did he come back? A Same year I did, just before I did.
Q Have you a sister named Mary? A Yes sir.
Q When did she return? A When Robert did.
Q Have you a sister named Elizabeth? A Yes sir.
Q When did she return? A Same time the others did, just before I did.
Q Were your brothers Robert and George recognized in the same way that you were? A Yes sir, I think so, I never heard anything different.
Q I believe you stated in your original examination here that you had property here in the Cherokee Nation during the time you were gone? A I had an undivided interest in the cattle was all.
Q Does your name appear on the Shawnee roll of 773 persons which was made out in accordance with the treaty of 1866? A I think it does.
MR. SMITH: If the Court please I would like to have the Shawnee roll examined and that part thereof which contains the name of this applicant made a part of this record.

MR. POUGH: Counsel the applicant and presents the Register of the name of the members of the Shawnee Tribe of Indians and

have moved to and located in the Cherokee Nation, Indian Territory (prior to the 10th day of June 1871) within two years from the 9th day of June 1869 in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians through their Delegations in Washington D. C., United States of America on the 7th day of June 1869 and approved by the President of the United States on the 9th day of June 1869 in accordance with the Fifteenth Article of the Cherokee treaty of with the United States proclaimed August the 11th 1869, and call the attention of the Commission to the fact that on said rolls at #241 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee Representatives and the said rolls being certified to by Lewis Downing Principal Chief of the Cherokee Nation and by Graham Rogers, Late Principal Chief of the Shawnee Tribe of Indians and by Charles Tucker, Late Ass't. Principal Chief of the Shawnee Tribe of Indians.

Applicant also calls the attention of the Commission to the fact that at numbers 377 is found the name of Samuel Garrett; at #378 is found the name of Richard Garrett; at #379 is found the name of Geo. Garrett; at #380 is found the name of Robert L. Garrett; and at #382 is found the name of Mary Garrett.

(By Smith of applicant)

Q What is the fact as to your sister Elizabeth Garrett, what is the fact as to her returning coming here with you originally ? A She came with my father and the rest of the family.

Q She came here with your father? A Yes sir and kept house for him at the time.

(By Mr. Baugh)

Q How old was you when you returned from Kansas to the Cherokee Nation after you had left here? A About 26 years old.

Q Did you go to the Cherokee National Council and ask to be re-admitted to citizenship? A No sir.

J. G. WILLIAMSON being first duly sworn ~~xxxxxxxxxx~~ testifies before Com'r T.B.Needles, testified as follows for applicant-

(By Smith)

Q What is your name? A J. G. Williamson.

Q Where do you live? A Bluejacket.

Q What is your age? A 55.

Q Are you a citizen of the Cherokee Nation? A I dont know that I am

Q You dont know? A (No answer)

Q How long have you lived in the Cherokee Nation? A Since September 1870.

Q What is your occupation? A Farming and stock raising.

Q Where did you come from to the Cherokee Nation? A Johnson County Kansas.

Q With whom did you come? A I came by myself but I had George W. Franklin's household goods and moving machine with me.

Q Is he a Shawnee citizen? A Yes sir.

Q Did you come as one? A No sir.

Q Did you marry a Shawnee citizen afterwards? A Yes sir.

Q Do you know this man Frederick Garrett? A Yes sir.

Q Do you know his father? A Yes sir.

Q What is his father's name? A Samuel.

Q Do you know his brothers and sisters? A Yes sir.

Q Can you name them? A Richard, Elizabeth, Fred, Robert, Mary and George.

Q Were they all the children of Samuel Garrett? A He claimed them to be his.

Q Did he bring them here with him when he came? A I didn't see them enroute but I saw them all on the Neosho River where he was living with his family.

Q When was that? A I am not positive if I saw them in '70 but I know

I saw them in '71, I know they were there in '71, and I think I saw them in '70; I stopped there in '71.
Q Did you know Samuel Garrett before he came to the Cherokee Nation?
A Yes sir.
Q What was his? A A farmer.
Q Was he a Shawnee? A Yes sir.
Q An adopted Shawnee? A Yes sir.
Q And he came here when the Shawnees came? A Yes sir.
Q Did you know Frederick Garrett who has just left the stand here?
A Yes sir.
Q Is he the same Frederick Garrett that you knew and who was brought here by his father and whose name is on the Shawnee rolls? A Yes sir
Q And those brothers and sisters that you have named, do you know them as the brothers and sisters of Frederick? A Yes sir, I knew them when they came here.
Q Do you know anything about where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.
Q Where? A On the Chetopa and Carrie Ferry road on Fox creek near Neosho river in Delaware district Cherokee Nation.
Q With his family? A Yes sir.
Q These are the same people that you stopped with in '70 or 71? A Yes sir.
Q Did he improve a place there? A Yes sir.
Q In what way? A Built a house, fenced it and broke out a farm .
Q How long did the old man Samuel Garrett live there before he left that place, as well as you recollect? A As well as I recollect he left there in the fall of '75 or '6.
Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.
Q Which two did he leave? A I think Richard and George.
Q Do you know what disposition was made of the place when old man Garrett left there that time? A Yes sir.
Q What? A I rented the place.
Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.
Q What property, if any, did those people leave upon that place? A He left somewhere about 30 head of cattle, cook stove and a bed and bead stead, I think some house furniture, some plows,
Q About 30 head of cattle, some household goods and some farming implements? A Yes sir.
Q Was the old man Samuel Garrett ever back on the place after you rented it from him? A He was there back on the place every few months I cant call how often.
Q He had property there? A Yes sir.
Q Do you know of his voting in the Cherokee Nation after he left the place and went to Johnson County Kansas? A Nothing more than that he stopped with me.
Q Voted? A Oh voted, yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if he had property interests in Johnson county Kansas.
A Yes sir I know he owned a farm there when I was there and he owned quite a tract of land near Montecello Kansas, I dont know now how much of a farm he did have there.
Q After he left this place, at the time he rented it to you, do you know of him voting anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of his holding himself out as a citizen of anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of his receiving permits in the Cherokee Nation after he rented that place to you? A Not direct.
Q Did he ever come back to live on the place after that? A Not that I know of.
Q Do you know when he died? A I know when he died but can't call the date now.
Q About how long ago? A Either in '98 or 99

Q Do you know this applicant Frederick Garrett? A Yes sir.
Q Do you remember when he came back to the Cherokee Nation? A I remember about his return, but I dont remember what year.
Q Do you know if some of this property you spoke of was on the place when Frederick got back? A I do not.
Q Were there any cattle on the place? A I think there was some cattle still on the place.

(By Baugh)

Q You say that you know old man Garrett voted in the Cherokee Nation? A He came down there and went into the polls, that was after he came down from Chetopa, after he had moved up there.
Q Who did he vote for? A I disremember now.
Q You dont know if he voted or not do you? A I dont know if he did, he went into vote, I was not an officer at the polls and dont knowi if he cast his vote.
Q How long ago has it been since he moved to Kansas? A You mean when he first left the Cherokee Nation?
Q Yes sir A Well as near as I can remember it was in about '75.
Q He lived continuously from that time until his death in Kansas? A Yes sir.
Q He never came back to the Cherokee Nation to live after that? A No sir not as I know of.

BY MR. BAUGH: I desire to offer in evidence a part of the Shawnee-Cherokee Agreement entered into between the duly authorized delegates representing the Cherokee Nation of Indians, and the duly authorized delegates representing the Shawnee tribe of Indians, and in order to make speail reference to it will read a part of said agreement:

" That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently locate in the Cherokee country, as herein provided within two years from the date hereof, otherwise they shall forfeit all rights under this agreement. "

I desire to further call the attention of the Commission to Article 1., Section 2 of the Constitution of the Cherokee Nation .

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BY COM'R Needles; This will be filed in Cherokee Doubtful case D-495.

BY MR. SMITH: I desire this testimony also to be filed in the following cases: Cherokee D-458; Cherokee D-490; Cherokee D-866 and Cherokee D-1201.

BY COM'R NEEDLES: As requested by applicant's attorney copies of this testimony will be filed in the cases named.

• • • • • • • • •

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 25th day of October, 1901.

T. R. Breckinridge

Commissioner.

Commencement.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1908.

In the matter of the application of John M. Ridenour, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita, I. T., attorneys for applicants;
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant and his attorneys were notified by registered letter on February 14, 1908, that the application of John M. Ridenour for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 1st day of March, 1908.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by his attorneys Mellette & Smith.

The Commission: Is there any statement you desire to make relative to the case Mr. Smith ?

Mr. Smith: Nothing at all. I desire to offer in evidence a permit issued to J. M. Ridenour.

Mr. Hastings: Objected to by the Cherokee Nation because the same is no proof of citizenship.

The Commission: The same is offered and filed with the record in the case.

Mr. Smith: Also a certified copy of a decree of divorce rendered in the Cherokee Court to Elizabeth Baughman.

The Commission: The decree offered in evidence will be filed.

FREDERICK GARRETT, being sworn and examined, testified as follows:

Examined by Mr. Smith:

Q What is your name ? A Frederick Garrett.
Q Your post office ? A Dawes.
Q Mr. Garrett, I don't remember whether the previous testimony in this case covers the point I want to ask you about. Do you know John Ridenour ? A Yes sir.
Q Do you know his wife Elizabeth ? A Yes sir.
Q What kin is she to you ? A A sister of mine.
Q Was she ever married before she married Ridenour ?
A Yes sir.
Q To whom ? A She was married, if I am not mistaken, in 1870.
Q To whom ? A William Baughman.
Q Was that her first marriage ? A Yes sir.
Q Was she ever married more than twice ? A No sir.
Q Her second husband was Ridenour ? A Yes sir,
Q Is she the same person, or do you know of your own personal knowledge, who secured a divorce from her husband in the Cherokee courts ? A Yes sir, the identical person.

The attorney for the applicant and the representative of the Cherokee Nation present submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

D 400 —4

E. C. Bagwell, on oath states, that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this March 4, 1908.

M. D. Green
Notary Public.

[illegible]

14 [illegible] 0458

[illegible] with their

True Copy

of

The Record

[illegible]

of [illegible]

G. [illegible]

[illegible] PRES
[illegible]

Wyandotte Nation } Regular May & September
Ottawa District } Terms Circuit Court for
the above named Nation District Hon Geo W.
Clark presiding Judge

4th Case
May term
1881
Ottawa District
Ch: Nation

Elizabeth Baughman
v.s. } for Divorce
William Baughman

Case called out dismissed on the reason
that William Baughman had not been cited
to appear

Case 2d

Elizabeth Baughman
v.s. } for Divorce
William Baughman

Sept term
1881

This case arose by default on the ground
that the defendant was not in the country
September 6th A.D. 1881.

I hereby certify that the above is a true
Copy of the proceedings in the above case
and as recorded on the books of the
Clerks office for Ottawa District C.N.
Given under my hand and seal of
Office this the 23rd day of September A.D.
1881

(J. J. M.) O'Gheel
Clerk Ottawa
District

(COPY)

State of Kansas
S.S.
County of Lobette

Chetopa Kansas Oct 25 1902

This is to certify that I have been the family Physician of J. W. Ridenour since 1889 and the family Physician of Mrs. Elisebth Ridenour for about twenty or twenty five years. During the year of 1894 Mrs. Elisebeth Ridenour was very ill with malariel fever. I at that time advised them to leave the farm which they was then living upon or she could not live. I advised them to come to Chetopa where she could be treated for chronic malaria. They came to Chetopa, and she has been living here ever since. I advised her not to return to the farm or she would die and she would loose her children. She has suffered with malaria and disease of her liver and spleen every year since she left the farm. I know if she is compeled to return to the farm her life will be of short duration, and she will loose her children, as they are of a billiouse temperment and have frequent attacks of malaria under the most favorable circumstances. Mr. J. M. Ridenour has wanted his wife to return to the farm every year since I forbid her going and told her she could not live long if she went.

The above condition of Mrs. Elisibeth Ridenour is the reason she has not lived in the Indian Territory.

G. D. Boon, M. D.
Graduate of Universety of Michigan, 1870.

D-458 Subscribed and sworn to before me this 25th day of Oct. 1902.

SEA L

E. H. Brady,
Notary Public.

Com. Expires Nov. ~~13th 1903.~~

G. D. Boon-----2

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and Custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the Office of the said Division.

Chief Clerk Cherokee Division

Sworn to and subscribed before me this 28 Day of Oct, 1902.

Notary Public.

1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of John M. Ridenour for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Elizabeth Ridenour, and his children, Charles G. and Elmer O. Ridenour, as citizens of the Cherokee Nation of Shawnee blood.

Supplemental to R-488.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

JOHN M. RIDENOUR, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, please? A. J. M. Ridenour.
Q. How old are you? A. About 49.
Q. What is your post office? A. Chetopa, Kansas.
Q. Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A. Yes, sir.
Q. What is your wife's name? A. Elizabeth.
Q. Is she a citizen by blood of the Cherokee Nation? A. She is a Shawnee by blood.
Q. A Cherokee citizen by Shawnee blood? A. Yes, sir.
Q. When were you married to your wife Elizabeth? A. '80.
Q. Married under a Cherokee license? A. Yes, sir.
Q. Filed your license with the Commission? A. No, sir.
Q. Had you ever been married before? A. No, sir.
Q. Had she ever been married before? A. Yes, sir.
Q. How many times? A. Once.
Q. What is her first husband's name? A. Baughman.
Q. Was he living or dead when you were married? A. I don't know.
Q. Had they separated? A. Yes, sir.
Q. You don't know whether he was dead or not? A. I don't know.
Q. Was she ever divorced from him? A. Yes, sir.
Q. What court was she divorced in? A. In the Cherokee Nation.
Q. Have you filed a copy of that divorce? A. It was given to the lawyer.
Q. You are Elizabeth's second husband, are you? A. Yes, sir.
Q. She is your first wife? A. Yes, sir.
Q. Have you and she lived together from the date of your marriage up to the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Living together on the first of September, 1902, as husband and wife? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. Well, I have been here ever since about '72; '73 or '74.
Q. Have you lived in the Cherokee Nation all the time since 1880 up to the present time? A. No, sir.
Q. Where did you go? A. I went to Chetopa on account of my wife's health.
Q. When did you go to Chetopa? A. In '94.
Q. Have you been living in Chetopa, Kansas, since 1894?
A. She has been there; I have been on the place.
Q. She and the children have been living in Kansas since 1894?
A. Yes, sir; besides what they would be on the place.
Q. You moved your family to Chetopa in 1894? A. Yes, sir; on account of her health. There was no doctors close to our place and I thought it would be cheaper to go where the doctors was.

Q. How far is your farm from Chetopa? A. About 18 miles.
Q. After you moved your family to Chetopa where did you stay?
A. I stayed part of the time on the place and part over there.
Q. How much of the time did you stay on the place? A. Well, I didn't keep track; half the time, I should judge.
Q. Did you keep house or batch it on the farm? A. Sometimes; sometimes boarded.
Q. You had the farm rented out, most of it? A. Yes, sir.
Q. You simply went to see how the renters were getting along?
A. Yes, sir; and farmed a little myself.
Q. How much farming did you do? A. This year I had 30 acres of corn.
Q. Did you attend to it yourself or hire a man? A. Well, I put it in myself and had a boy to attend to it.
Q. You didn't stay there this year? A. I stayed there half the time.
Q. Well, now, what time in 1894 did you go to Chetopa?
A. October 1st.
Q. Then in 1896 did you make a crop down on the farm, yourself?
A. I put a crop in. I plowed the ground and put it in, then my wife was sick so I couldn't be there; then I went back to town.
Q. Your wife was confined to her bed, was she? A. Part of the time, yes.
Q. Then in 1896, did you make a crop yourself on the farm?
A. No, sir; '96 I didn't put in any crop.
Q. Rented the whole place? A. Yes, sir.
Q. In 1897 did you have a crop in yourself? A. No, sir.
Q. Rented the whole farm out in 1897? A. Yes, sir.
Q. In 1898, or four years after you went to Chetopa?
A. I am wrong, it was 1898 my folks was sick and I had to give it up. That was the first year that I cropped.
Q. You put the crop in in the spring and turned it over to the renters? A. Yes, sir.
Q. And let them have it on shares? A. After I had the corn planted my folks was so I wouldn't be away from home.
Q. What time in 1898 did you turn the crop over to the renters?
A. In June.
Q. In 1899, 3 years ago, did you make a crop yourself? A. No, sir; I didn't make a crop myself.
Q. Rented the farm out? A. Yes, sir.
Q. Where were you? A. Part of the time in Chetopa; part of the time on the farm making improvements, building fences and keeping things up.
Q. 1900, two years ago, did you make a crop yourself? A. No, sir.
Q. Last year, did you make a crop? A. No, sir.
Q. This year you did make a crop? A. Yes, sir.
Q. How much of a farm have you got? A. I have got about 300 acres, broken land.
Q. Now, since you went to Chetopa in the fall of 1894, you yourself have only made two crops, that is this year and 1898?
A. 1897 instead of 1898.
Q. Your family has lived all the time in Chetopa, Kansas, since you went there in 1894? A. Most all the time.
Q. Haven't you had a house and furniture there all the time?
A. Not all of it.
Q. Not all of it; well, as a matter of fact your family never have moved back to the farm since 1894? A. Well, they haven't lived there, no. No, sir.
Q. You claim you took your family and went to Chetopa on account of your wife's health? A. Yes, sir.
Q. That is the only reason you went there? A. Yes, sir.

Q. That is the reason you have stayed there all the time?
A. Yes, sir. I have a certificate of the doctor to show.
Q. What is your wife's physical condition at the present time?
A. (no response)

Applicant offers in evidence a certificate signed by G. D. Boen, M. D., graduate of the University of Michigan in 1870, subscribed and sworn to before E. N. Brady, Notary Public, on October 28th, 1902.
The same is filed herewith.

Q. What you have said about yourself and wife, about residing on the farm and in Chetopa, is also true about your children Charles C. and Elmer O.? A. Yes, sir.
Q. These two children are living at this time? A. Yes, sir.
Q. Have they lived all their lives in the Cherokee Nation except that time you have stated you have been in Chetopa?
A. Only when they have been to Chetopa.
Q. Where was Elmer O. born? A. Chetopa.
Q. As matter of fact Elmer O. has never been in the Territory to live? A. No, sir.
Q. How long is the longest time you and your wife have been in the Territory since Elmer O. was born? A. About a week at a time.
Q. About a week at a time is the longest that child has been in the Territory since he was born? A. Yes, sir.
Q. Charles C. was born in the Territory before you went to Chetopa? A. Yes, sir.
Q. How old was Charles C. when you went to Chetopa? A. He was born in 1892; we went there in 1894.

Examination by Mr. Starr.
Q. How far is your farm from Chetopa? A. 12 miles.
Q. In which direction? A. Southeast.
Q. How far from Vinita? A. I should judge about 20 or 25 miles.
Q. It was about as handy for a doctor at Vinita as it was at Chetopa? A. Well, this doctor had been the family physician for a number of years.

****

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 11th day of December, 1906.

B. B. Jones
Notary Public.

Q You think you didn't miss seeing him for any two weeks that you went there ? A Well, I don't know.
Q Is that your best judgment ? A Yes sir.

The Commission: This case is continued by agreement until December 2, 1902.

K. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 11, 1902

Cher
Supp'l to D 458

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 10, 1902.

In the matter of the application of JOHN M. RIDENOUR, for the enrollment of himself as a citizen by intermarriage, and his wife, ELIZABETH RIDENOUR, and his children CHARLES C. and ELMER O. RIDENOUR, as citizens of the Cherokee Nation, by Shawnee blood.

Appearances:
Mellette & Smith, of Vinita, for applicants;
W. W. Hastings, for the Cherokee Nation.

TESTIMONY FOR CHEROKEE NATION.

A. R. BELL, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A A. R. Bell.
Q Where do you live ? A Chetopa, Kansas.
Q Are you a practicing attorney up there ? A Yes sir.
Q Do you keep house in Chetopa ? A Yes sir.
Q Do you know John M. Ridenour, the applicant ? A Yes sir.
Q How long have you known him ? A About 8 or 10 years.
Q Is he a man of family ? A Yes sir.
Q Has a wife and children ? A Yes sir.
Q How many children ? A About two.
Q How far does he live from you ? A About two blocks.
Q How long has he been keeping house there ?
A I should think about seven or eight years.
Q Was he keeping house there in the year 1898 ?
A I think so.
Q Keeping house there yet ? A Yes sir.
Q Has he been keeping house there continuously for the past seven or eight years ?

By Mr. Smith: The question is objected to as leading.

A Yes sir. I couldn't say whether he has been living in the house all the time, that is, staying there, but he has had the house.
Q Has his wife been living there ? A Yes sir. I think so; they have been away temporarily, but I think not permanently.
Q But that has been their home ?

By Mr. Smith: That question is objected to, because it calls for a conclusion, and requires the witness to testify to a legal conclusion. The question as to where applicant's home was and is, is purely a question of law, and it is incompetent to take the witnesses conclusion.

A I can't say.

Examined by Mr. Smith:

Q Mr. Bell, do you know whether Mr. Ridenour or his wife owned a farm in the Cherokee Nation ? A Not of my own knowledge.
Q Have you ever been in the Cherokee Nation on any place that was claimed by them ? A I have never been on the place; I have been in sight of a place said to be theirs.

Q About how far from Chetopa ? A Well, I should say fifteen or sixteen miles.
Q How far is Chetopa, Kansas, from the line dividing the State of Kansas and the Indian Territory ?
A Two and a half miles.
Q Do you know Mrs. Ridenour ? A Yes sir.
Q What is her name ? A I think it is Elizabeth. I am not sure.
Q You don't know how many children they have ?
A I only know of two boys; they may have more, but that's all I know.
Q How long have you resided in Chetopa ? A Thirteen years.
Q Have you been there all the time ?
A Excepting when I was away on business.
Q Have you been away for any considerable length of time ?
A Not longer than a month at a time.
Q Have you been engaged in the practice of law ever since you have been there ? A Yes sir.
Q How old are these boys that you speak of ?
A Well, my judgment would be that the oldest one is about nine years old, and the younger one about seven.
Q That's just your impression; you don't know their ages ?
A No sir, I don't know their ages.
Q Are you intimate with the family; do you know Mrs. Ridenour well ? A No sir, I can't say that I am intimate with them; I know her well enough to speak to her when I see her.
Q Have you ever been to their house ? A Yes sir. Only once, though, I think.
Q Do you know anything about the condition of her health ?
A Why only by reputation; not personally. The reputation is that her health is quite poor, or was some years ago.
Q How many physicians have you at Chetopa ?
A I will have to count them; about seven or eight.
Q Do you happen to know of your own personal knowledge who her physicians are, if she has any ?
A I know by an incident that occurred recently, when one of the boys was sick.
Q I mean with her ? A No, I don't know who her physician is.
Q Do you go down into the Cherokee Nation very often ?
A Quite frequently.
Q Do you ever go down in this neighborhood that you speak of as being fifteen or sixteen miles from Chetopa ? A Yes sir.
Q You have never been on what is known as the Ridenour place ?
A No sir, I have been by it, but not on it.
Q Did you ever see him in the Cherokee Nation ? A Yes sir.
Q Where have you seen him ? A I think I have seen him on that place that I speak of. I saw him there once, I think.
Q Well, at times there there would be times that you would not see any member of the family there in Chetopa ?
A I think I saw the boys nearly every day, but I frequently would not see Mr. Ridenour or his wife for possibly weeks at a time. I think occasionally there would be weeks at a time I wouldn't see either of them.
Q Do you know where they were during these weeks that you would not see them there in Chetopa ? A No sir.
Q Did you ever see Mr. Ridenour or Mrs. Ridenour, when they were leaving to go down into the Cherokee Nation ? A No sir.
Q You stated that you didn't know what their home was, whether it was in the Cherokee Nation or Chetopa; well, now do you know of your own personal knowledge, whether, during this time you have spoken of, this family has been part of the time in the Cherokee Nation at their farm ? A I can't say whether they have or not
Q They could have done so with your knowing it ? A Yes sir.

M. M. FOWLER, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A M. M. Fowler.
Q What is your post office ? A Chetopa, Kansas.

Q What is your age ? A Sixty seven.
Q Do you know John M. Ridenour ? A Yes sir.
Q How long have you known him ? A Well, 6 or 8 years.
Q Do you know his wife ? A Yes sir.
Q Has he some children ? A Yes sir.
Q Where are they living ? A They live in Chetopa.
Q Keeping house there ? A Well, I think she does. He's there part of the time.
Q How long have they been keeping house in Chetopa, Kansas ?
A It can't be less than three years.
Q And what do you say about seven years ?

Mr. Smith: I object to that, if the court please. He has already stated the time.

A Well, I don't know.
Q What is your best judgment as to how long they have been there ?
A Something over three years.
Q Has he been there seven ? A No sir, I don't think he has.
Q Has he been there six ? A I don't think so.

Mr. Smith: I object to that for the same reason.

Q Has he been living there five years ?

Mr. Smith: I object to that for the same reason.

A I will say five, and maybe longer.
Q Then you are not positive how long he has been there ?
A No sir, he lives in a different part of the town to what I do; but I see him frequently.
Q You don't know just when he moved there ? A No sir.
Q But he is living there now ? A Yes sir.

Examined by Mr. Smith:

Q They have got a farm down in the Cherokee Nation haven't they ?
A Yes sir, I think they have.
Q How far from Chetopa ? A Fifteen or sixteen miles.
Q They live there part of the year ? A When I first knew him they did.
Q You say they live in a different part of the town to what you do ? A Yes sir.
Q There would be many times there that you wouldn't see Mr. Ridenour or Mrs. Ridenour there for quite a while ? A How is that?
Q There would be many times that you wouldn't see Mr. Ridenour or Mrs. Ridenour in Chetopa for quite a while ? A Yes sir.
Q Where were they, if you know of your own knowledge, at those times ? A I don't know; I suppose they were down on the farm. I don't know.

Mr. Hastings: Well don't be telling him that.

Q Mr. Fowler, did you ever see Mr. Ridenour down on his farm ?
A I don't think I ever did. I never seen his farm but once. I was at his farm once.

Q When was that ?
A It must be three or four or five years ago.
Q Were you intimate with the family; did you ever go and visit them and their house ? A No sir.
Q You did not ? A No sir. I knowed them on the street, I believe I have met them.
Q Do you know where they were in June, 1898 ?
A No sir, I don't know positive. I believe they lived there, but I aint positive.
Q You don't know for certain where they lived in June, 1898 ?
A No sir. I think they lived there, but I aint positive.

J. H. DUNN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q Your name is J. H. Dunn ? A Yes sir.
Q Your post office is Chetopa, Kansas ? A Yes sir.
Q Do you know the applicant John M. Ridenour ? A Yes sir.
Q Has he a family ? A Yes sir.
Q A wife ? A Yes sir. I just ~~x~~ know that from hearing people say that that woman is his wife.
Q You know it by neighborhood reputation ? A Yes sir.
Q Do you know where he is keeping house ?
A Yes sir, I know where he lives.
Q Where ? A He lives on what we call third street.
Q Where ? A In Chetopa.
Q In Kansas ? A Yes sir.
Q How long has he been living there ?
A Well, my recollection is, along about five years. That's my recollection.
Q That's your best judgment is it ? A That's my best judgment.
Q How far do you live from him ?
A I live not quite half a mile.
Q Is he living there now ? A Yes sir.

Examined by Mr. Smith:

Q Have you ever been to his house ? A No sir, I ~~g~~ have never been in his house since he has been living there.
Q Have you lived there all the while during these last five years ?
A Yes sir.
Q Have you ever been away for any length of time ?
A Well, not longer than a couple of weeks at a time.
Q Mr. and Mrs. Ridenour have a farm down in the Cherokee Nation haven't they ? A Yes sir.
Q About how far ? A Why, I understand that it is down there about ten or twelve miles.

By Mr. Hastings: Have you ever been there ? A No sir.
Q Well then, that's just hear-say ? A Yes sir, I have heard people talk about it, that's all.

By Mr. Smith:

Q You have just heard people talk about where he lives at Chetopa, you have never been in his house ? A No sir, not since he has been living there.
Q How often could you see either Mr. or Mrs. Ridenour during these five years ?

A Well, sometimes I wouldn't see Mr. Ridenour for a month or two.
Q Sometimes you wouldn't see Mr. Ridenour for a month or two ?
A Yes sir.
Q And sometimes longer ? A Well, it might be longer.
Q How about his wife, sometimes you wouldn't see her for how long ?
A Well, I never seen his wife much; only seen her passing in her rig. I have met them, I think a few times, I think, going to the nation together.
Q To the Cherokee Nation ? A Yes sir.
Q What would they be in ? A Well, in a spring wagon sometimes.
Q Sometimes in a road wagon ? A Yes sir.
Q How was it loaded ? A Well, I don't know if they had some things in the wagon or not, just passing on the road I wouldn't take much notice.
Q Would they have the wagon loaded with provisions or anything of that sort ? A I can't say about that.
Q You don't remember ? A No sir.
Q You can't say that they did not live part of the time during these five years, in the Cherokee Nation ?
A No sir, I can't say.
Q You can't say that ? A No sir.
Q Do you know what was on this farm that you speak of?
A No sir, I was never there.
Q Do you know where they were in June, 1898 ? A No sir.

FRED DUNCAN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Q Your name is Fred Duncan ? A Yes sir.
Q What is your age ? A Twenty eight past.
Q What is your post office ? A Chetopa, Kansas.
Q Do you live on the Cherokee side ? A Yes sir.
Q Do you know John H. Ridenour ? A Yes sir.
Q How long have you known him ?
A I have known him for about eight years.
Q Do you know his wife ? A Just when I see her, I am not personally acquainted with her.
Q Has he seen children ? A Yes sir.
Q Where are they living ? A At the present time at Chetopa.
Q How long have they been living there ?
A By to my best recollection they have been living there about six or seven years.

Examined by Mr. Smith:

Q Are you a Cherokee by blood ? A Supposed to be.
Q Where do you live ? A I live in the Cherokee Nation.
Q How long have you lived there ? A All my life.
Q How do you know so much about Chetopa ? A That's my post office
Q How far is it from the Cherokee line ?
A Two miles and a quarter.
Q You have never lived in Chetopa ? A I never did, sir.
Q Do you know where Ridenour's wife lived in Chetopa ?
A I know where the Ridenour family lived in Chetopa, yes sir.
Q Where is it ? A On the street that I go into Chetopa on.
Q What street is it you go in on ? A On a country street, it has a name but I don't know it .
Q What kind of a house do they live in ?
A They live in a brick house.
Q A two story brick house ? A No sir.

Q One story ? A Yes sir.
Q How do you know Ridenour lives there ? A I have hauled hay to them, me and my father.
Q Who received the hay ? A Mr. Ridenour.
Q Have you ever been down to Mr. Ridenour's place in the Cherokee Nation ? A Yes sir.
Q When ? A I was at Mr. Ridenour's farm, as well as I can recollect, I passed through his yard last January.
Q Was that the first time you had ever been there ?
A No sir.
Q When were you there before ? A I never was there. I have passed through on the old road that run by there.
Q You have been around and by there a number of times ?
A Well, yes sir, I can say a couple of times.
Q Only a couple of times ? A So far as I know.
Q In your life ? A Probably I have passed there when I was quite small, but I have no recollection of it, before the house he has there now was built.
Q What kind of a house has he there now ?
A A two story house painted white.
Q Has he any stock there ? A I can't say whether he has any there that belongs to himself.
Q Have his family ? A I can't swear that they have stock there.
Q What is in the house, do you know ?
A No sir, I don't know.
Q Do you know whose property and furniture is in that house ?
A Not at the present time; no sir, I don't.
Q Well now, you go to Chetopa about how often within the last three or four years. Four years say ?
A Three years ago from now I wasn't in this country.
Q Three years ago you were not here ? A No sir.
Q Where were you ? A In the Philippine Islands.
Q Where were you in 1898 ? A I was living near Chetopa.
Q Where were you in 1899 ? A I lived and stayed--I boarded at my brother's-in-law, up to the 4th of July, 1899, and I left and went to Galena and joined the United States Army.
Q That was the 4th of July, 1899 ? A Yes sir.
Q When did you come back ?
A I came to Chetopa on the 24th day of January, 1901.
Q Then how do you know these people lived at Chetopa all this time ?
A I can't say that they lived there during my absence. They were living there when I left, and were living there when I came back.
Q Didn't you state that they have been living there for the last six or seven years ? A To my best knowledge, yes sir.
Q It's not what you have heard but what you know that we want. If I hadn't asked you about the time you were out, we wouldn't have known anything about your being gone would we ? A No sir.
Q And then, you don't know that they have been there all the time ? So there's one and a half or two years that you don't know anything at all about where they lived ? A Yes sir.
Q How often would you see them when you would go to Chetopa ?
A I would probably see them almost every time I would go to Chetopa, that is Mr. Ridenour.
Q You would ? A Yes sir.
Q How often would you go ? A Well, that's a hard question for me to answer.
Q Well, about how often ? A I will say once a week.
Q And you don't think you ever went there a week that you didn't see Mr. Ridenour ? A Yes, I might one time and not seen him.
Q But you couldn't have gone two weeks without seeing him ?
A Well, yes sir, I could.
Q Well did you ? A Not that I know of.

Q You think you didn't miss seeing him for any two weeks that you went there ? A Well, I don't know.
Q Is that your best judgment ? A Yes sir.

The Commission: This case is continued by agreement until December 2, 1902.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this November 11, 1902.

B O Jones
Notary Public.

Cher
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 10, 1902.

In the matter of the application of ALEXANDER WALKER, for the enrollment of himself as a citizen by intermarriage, and his wife, MARY WALKER, and his children, ESTELLA, MABEL, CALLIE E., SAMUEL L., HENRY F. and BLANCHE WALKER, as citizens of the Cherokee Nation, of Shawnee blood:

Appearances:
Mellette & Smith, of Vinita, for the applicants;
W. . Hastings, for the Cherokee Nation.

TESTIMONY FOR THE CHEROKEE NATION.

A. R. BELL, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name? A A. R. Bell.
Q. What is your age? A Thirty-nine.
Q What is your post office? A Chetopa, Kansas.
Q Do you know Alexander Walker, ? A Yes sir.
Q Do you know his wife? A Yes sir.
Q You know his family? A Yes sir.
Q Do you know his wife's name? A I think it is Mary.
Q Do you know his children? A Yes sir.
Q Where are they living? A They are occupying a house right across the street from where I live.
Q How far from you? A About sixty or eighty feet.
Q How long have they been living there?
A They have been occupying that house for the larger part of the time for seven or eight years.
Q Does he run a water wagon up there?
A He does.
Q How long has he been running it?
A I think about four or five years.

Mr. Smith: I object to that as immaterial.

Q He is supplying the people with water?
A No sir, he sprinkles the streets.

Examined by Mr. Smith:

Q You said Mr. Walker's family had lived in that house during the larger part of the time? A I said they occupied it.
Q Where were they the other part of the time.
A I don't know, they went away somewhere.
Q Did you hear them say where they went?
A I had an understanding where they went, but I never heard them say. Of course we had an understanding where they went.
Q Do you know whether he has a farm in the Cherokee Nation?
A Yes sir.
Q How far from Chetopa? A About fifteen or sixteen miles.

Q Is there a house on it? A Yes sir.
Q What kind of a house? A I judge it was a two story house.
Q Ever been in it? A No sir.
Q Do you know what property Walker has in that place?
A Only from appearance, it looked like it was pretty well improved.
Q Do you know whether he has any cattle on it or not?
A I can't say.
Q You don't know as to the furniture in the house? A No sir.
Q Nor of the implements on the farm? A I couldn't say as to that, of my own knowledge.
Q Well, do you know what Mr. Walker's business at Chetopa was, what he was doing there; why he was there?
A I know what I think he was there for. I think he was there to educate his children.
Q How many children has he? A I think six. Yes, six.
Q What are their ages? A The oldest one must be fourteen, and eleven, nine, seven, and on down.
Q Well, do they go to school? A Yes sir, I think all to but one.
Q Do they have good schools in Chetopa? A We think so.
Q What have they got in that place down there about fifteen or sixteen miles from Chetopa, in the way of schools?
A I don't know personally; only from reputation.
Q You have been through there? A Yes sir.
Q Did you ever see any schools? A No sir, not the last time I was there; I understand they have built some recently.
Q Country schools? A Yes sir subscription schools.
Q Out in the country? A Yes sir.
Q Now, Mr. Bell, you said that Walker, way, Mr. and Mrs. Walker, how long would they be gone?
A I will say from two weeks to six weeks. Two weeks at a time, and probably about six weeks at a time.
Q You can't say but that they were away longer than six weeks at a time? A No, sir, I can't say positively.
Q Now, when did the schools close, in Chetopa, for the term?
A In the summer, about the later part of April or first of May.
Q Well, as to their being away from home, would they be away more during the summer than any other time? A Oh, yes sir.
Q They would? A Yes sir. That is, the family would.
Q You noticed that? A Oh yes.
Q Mr. Walker had no other enterprise, or other way of making money at Chetopa, except the sprinkling business? A That's all.
Q They don't sprinkle the streets except in the summer?
A I believe from the first of April to the first of November
Q Well, did he sprinkle the streets, or did he have an interest in the sprinkling contract?
A He didn't drive the wagon but very little.
Q Do you know how much that was worth a year; the sprinkling contract? A Well now, I don't really know; they solicit from each one.
Q How many people are there in Chetopa? A Twenty three or four hundred.
Q And he sprinkles the streets from April to November?
A Yes sir.
Q He sprinkles the business streets? A Yes sir, and some of the residence streets a little, but not much.

J. H. DUNN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name? A J. H. Dunn.
Q You live at Chetopa, Kansas? A Yes sir.
Q How old are you? A I am going on sixty four years old.
Q Do you know Alexander Walker, the applicant? A Yes sir.
Q How long have you known him? A Well, my memory is that I knowed him along about eight or nine years.
Q Do you know his wife? A I never spoke to his wife; I have seen her.
Q You know her when you see her? A I think I would.
Q Has she some children? A Yes sir.
Q Do you know them? A No sir, I wouldn't know them.
Q You know that he has children? A Yes sir.
Q Do you know where he and his family live? A Yes sir.
Q Where do they live? A In the south part of town.
Q In Chetopa, you mean? A Yes sir.
Q In Kansas? A Yes sir.
Q How long have they been living there?
A Well, my best recollection is that they have been living there along about six or seven years.
Q Do you know if he runs a water wagon there in Chetopa?
A Yes sir.
Q How long has he been running that?
A I believe about four years.
Q That's your best judgement? A Yes sir.

Examined by Mr. Smith:
Q Mr. Dunn, he just sprinkles the streets? A Yes sir.
Q Who was with Mr. Walker in the contract, do you know who was interested with him? A His brother I believe.
Q What was his brother's name? A Jim Walker, I believe.
Q They don't sprinkle the streets except from April to November?
A About from five to six months.
Q That's just the business portion of the town? A Just the business portion.
Q There are not but twenty five hundred or three thousand people there? A In the neighborhood of twenty three hundred I guess; it varies there.
Q Do you know what he made of the street sprinkling for that time? A Well, there's very little made out it.
Q How much? A Three or four hundred dollars a year; a season?
A Oh yes sir, there would be that much.
Q That is all the business Mr. Walker had there in Chetopa?
A Yes sir.
Q Well, he lived off his farm didn't he? A That's the information I get, that he lives off his farm.
Q Would you see stuff coming up there from off his farm?
A No sir.
Q Well, during this time, how far did you live from Mr. Walker?
A About a half a mile.
Q Now he and his wife were away from Chetopa a good deal of the time weren't they? A Well, I don't know about his wife. I know about him. He is away from a week to three weeks at a time. I only speak from what I know. I couldn't be in Chetopa all the time without I would see him. He couldn't be there any time without I would see him.
Q How often would you see his wife? A In fact I never seen her but once or twice.
Q Well then you don't know where she was?

A She was at this house where they lived at, but I don't know where she stays. I was out to his wife once or twice and saw his wife there.
Q Once or twice during these several years? A Yes sir.
Q During the times you weren't there, if you don't know where she was?
A No sir.
Q You don't know how much time she spent on this farm in the Cherokee Nation? A No sir.
Q They have children going to school there?
Q I have it from hearsay that they were going to school there.
Q How long do your schools run in Chetopa?
Q From seven to eight months.
Q They close for the term about what month?
Q Well, there are closed about four months in the hot weather.
Q Well, then, four years ago this summer that is just passed, did you see Mrs. Walker during that summer? Q During the summer of 1898? A No sir.
Q You don't know where she was then? A No sir.
Q Well now, Mr. Dunn, have you ever been down on this farm of Mr. Walker's ? A No sir.

FRED DUNCAN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q Your name is Fred Duncan? A Yes sir.
Q Your post office is Chetopa, Kansas? A Yes sir.
Q Do you know Alexander Walker? A Yes sir.
Q How long have you known him? A I have known him about seven or eight years.
Q Has he got a wife? A Why yes sir, still I wouldn't know her if I saw her.
Q You know that he is a man of family? A Yes sir.
Q Some children? A Yes sir.
Q Do you know where he lives? A Yes sir.
Q Where ? A In Chetopa.
Q How long have they been living there?
A They have been living there four or five years to the best of my knowledge.
Q Were you in the Phillipine Army? A Yes sir.
Q Were they living there when you left on the 4th of July, 1899?
A Yes sir.
Q How long had they been living there before that time?
A As well as I can recollect, about two years.
Q Are they living there now? A Yes sir.

Examined by Mr. Smith.

Q How do you know they were in Chetopa on the 4th of July, 1899?
A I don't know that they were in town, but they were living there.
Q Then you don't know where they were?
A They were there to the best of my knowledge. They claimed they were living there at that time.
Q That's just what you have heard them?
A Well, not especially right in town. Qell, yes I will say they were there.
Q What makes you say it? A They were living there, or supposed to be living there.
Q How do you know? A Well, I know they were.
Q Well how? A Because I have been to Mr. Walker's house.

Q Were you there on the 4th of July, 1899?
A Yes sir, I was there in Chetopa.
Q Were you at his house then? A No sir.
Q How do you know he was living there? A I know he was, he was a few days before that.
Q How long had he been there? A Two or three years before.
Q They had never been away from there?
A Probably he had and probably his family had.
Q We want to know what you know about it.
A Well, they had been making that their permanent home.
Q And hadn't been away? A No sir.

Mr. Smith: That answer is objected to as not being responsive to the question, and states a conclusion of law.

Mr. Hastings: The Cherokee Nation has no objection to the counsel for the other side recording his explosions.

Examined by Mr. Smith:

Q Well now, you say they were living there on the 4th day of July, 1899, you swear to that, do you?
A Yes sir, I will swear to that.
Q And there weren't either one of them at that time down on the farm in the Cherokee Nation, you will swear to that, will you?
A I will swear that neither one of them was making their permanent residence down there.
Q Were you at their farm? A No sir.
Q Well how do you know? A I don't know.
Q But you will swear to it anyhow? A Yes sir.
Q Well, Mr. Duncan, how often did you see Alexander Walker in Chetopa? A Well, I would probably see him every time I would go up there.
Q Every time you would go up there you would see him?
A Yes sir.
Q And you went about how often? A I would say an average of once a week.
Q You nevr missed seeing him a time during those seven years.
A I probably would miss seeing him, yes sir.
Q Did you? A May be one week at a time, yes sir.
Q Did you ever miss seeing him over a week at a time?
A Not to the best of my knowledge.
Q You never missed seeing him a week at a time, is that your best judgment? A Well no, I can't say that I missed him any week.
Q Weal, what do you say, that you saw him every time you went?
A Well no, I can't say that.
Q You didn't know his wife, did you? A No sir, wound't know here if I saw her.
Q You have been to his house? A Yes sir.
Q Did you see her? A No sir.
Q Where was she? A I don't know.
Q Then you don't know where she was if you didn't see her?
A No sir, I didn't see her, for I went there on business.
Q How many times have you been to his house?
A Two times I have been there.
Q When? A I can' say what year it was at all.
Q While they were living there in Chetopa, Kansas, did they ever go away from there? A Not permanently that I know of. Not to stay away permanently, say two or three years at a time.
Q What is that? A Not to stay away any number of years at a time? A
Q Did they go away at all? A Not that I know of.

Q Did you ever go down to their farm?
A I never was at Mr. Walker's house on the farm, no sir.
Q Have you ever been on the farm? A I wasn't on his farm, no sir.
Q Where xxxxxxxxx have you been in the neighborhood of his farm?
A I own a place where I can see his house from my house.
Q Have you never been on his place?
A No sir, I never had no occasion to go on his place.
Q You never saw Mr. Walker down on his place, I suppose?
A I never did.
Q Did you live down there on that place? That place you said you owned near his? A No sir. I had another place where I lived.
Q How far did you live from there? A About fifteen miles.
Q You owned this place next to him? A Yes sir.
Q How often would you go up there?
A Once every six months maybe.
Q Sometimes it would be a year or two wouldn't it?
A Yes sir, I suppose from the time I first bought it and got possession of the place I missed a year being there.
Q At other times there would be a year and a half that you wouldn't be on it? A No sir, I never did go eighteen months but what I went there.
Q How long were you in the Phillipines?
A I was their nineteen months.
Q You didn't come from the Phillipines to visit there?
A That's the only time I ever missed being there that long. Outside of the nineteen months I was in the Phillipines, that's the longest I ever was away from there.

The Commission: This case is continued, by agreement, until December 2, 1902.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed). E. C. Bagwell

Subscribed and sworn to before me this November 11, 1902.

(Signed) B. C. Jones,
Notary Public.

(((SEAL))))

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and accurate transcript of xxxxxxxxx x the original testimony now on file with this Commission.

Geo. R. Smith

Subscribed and sworn to before me this 23 day of January, 1903.

Samuel Foreman
Notary Public.

Cher
Supp'l to D 458

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 2, 1902.

In the matter of the application of JOHN M. RIDENOUR, for the enrollment of himself, his wife ELIZABETH RIDENOUR, and his children, CHARLES C. and ELMER O. RIDENOUR, as citizens of the Cherokee Nation, of Shawnee blood:

Appearances:
Applicants appear by W. M. Mellette, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

G. D. BOONE, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. M. Mellette:

Q What is your name ? A G. D. Boone.
Q What is your occupation ? A Physician and surgeon.
Q Do you know John M. Rideneur ? A I do.
Q Do you know his wife and family ? A I do.
Q Where have you known them ? A I have known them in the Territory and I have known them in Chetopa.
Q Do you know about when the family of John M. Rideneur came to Chetopa to live ? A They came in 1894.
Q Do you know the cause of their coming to Chetopa ?
A Well, yes I think I do. I had been their family physician before that, and Mrs. Rideneur got down with chronic malaria, and I told them if they didn't move her out of there she would die. I told them they had better move x up to Chetopa where I could attend to her and it wouldn't cost them so much.
Q During that time where has Mr. Rideneur been ?
A He always had his home in the Nation; he always called it his home. They lived though in town; that is, his family stayed there.
Q Where was his business ? A In the Territory.
Q What was he doing ? A Farming.
Q Do you know where his farm is ? A Yes sir. I have met him on the road coming and going to the farm I reckon I have met him there a hundred times. Then I had to send after him two different times when his family took sick and became dangerous, and we had to send to the farm for him.
Q Did he have any business in Chetopa ? A No sir.
Q Did he vote in Chetopa ? A No sir.
Q Do you live in the ward he lives in ? A Yes sir.
Q You know he never voted ? A Yes sir, I know he never voted.
Q Do you know why he didn't vote ? A He said he wasn't a citizen there, said he was a citizen of the Cherokee Nation. I have heard the boys try to get him to register and vote, and he said "No, I am not a citizen here".
Q Did he have any children ? A Yes sir.
Q Did they attend the schools there ? A Yes sir.

Examined by Mr. Hastings:

Q His wife had malaria ? A Yes sir.
Q Chronic ? A Yes sir.
Q It was dangerous for them to live out on the prairie ?
A It was on their place.
Q Isn't it on the prairie at Chetopa ? A Yes sir, but is in a state of cultivation.
Q Had she been in bed all the time ? A No sir, but many days she would be. I have doctored her off and on since they

have been living there. There hasn't been a month that I haven't given her medicine.
Q They went there in 1894, and have been there ever since ?
A Yes sir.
Q They had a child born in 1895, didn't they ? A Yes sir.
Q Was he health in such a condition that she couldn't give birth to children ? A No sir, it's pretty hard for them to get that way.
Q Has she had any children born since then; since 1895 ?
A I don't know whether this one was born in 1895 or not; the youngest one died two years ago.
Q Since then ? They had one since then ? A Yes sir.
Q Just one ? A That's all.

SARAH E. ALLEN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A Sarah E. Allen.
Q Where do you live Mrs. Allen ? A Miami.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Do you know John M. Ridenour and family ? A Yes sir.
Q How close do you live to his place in the Cherokee Nation ?
A About a mile and a half.
Q What do you know as to where he has been, in regard to that place, during the last six or eight years ?
A Why he puts in the most of his time on his farm there in the Cherokee Nation.
Q Where does his wife reside ? A She lives in Chetopa.
Q When would she come there ? A They come there after vacation, and during holidays, and whenever any of them are sick they come out there to recruit up.
Q What does he do at the place ? A He's been farming and attending to his grain and oats, and all such things as that every year, and had orchards.
Q Has he stock on the place ? A Yes sir.
Q Always had ? A Yes sir.
Q He keeps stock out there all the time ?
Q All the time his family have been in Chetopa he has done that ?
A Yes sir.
Q Would he farm on the place himself ?
A He farmed this year. He has had a tenant on the farm until this year.
Q Do you know whether or not he has furniture on the place ?
A He reserves two rooms in the house all furnished. He has been ever since he left the Nation.

By Mr. Hastings:

Q And when did his family move to Chetopa ? A I can't tell you exactly, about six or seven or eight years.
Q They have kept house in Chetopa ever since ? A Yes sir.
Q His wife has lived there all the time ? A Yes sir.
Q He has lived there and went back and forth to the farm ?
A Yes sir.

MARY L. CRAIG, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette

Q What is your name ? A Lizzie Craig. Mary Lizzie.
Q Is it Mary L. Craig ? A Yes sir.
Q Where do you live ? A I live in the Cherokee county, down there near Mr. Rideneur's place, on his brother's place.
Q How close do you live to the Rideneur home in the Cherokee Nation ? A Well, about one hundred or two hundred steps, I don't know just how far.
Q Now Mrs. Craig what do you know about where Rideneur's home has been since his family has been in Chetopa ? A Since I have known him, about five years in March, he has tended a crept there every year. There's never been many months there that he hasn't been there.
Q What about keeping rooms at his house ?
A He has always reserved two rooms.
Q For his use ? A Yes sir. And he has had things initit. That's been all the time, since I knew him.
Q What about his wife and children, would they come down ?
A Yes sir, she and the children would come down and stay three or four weeks at a time, until they would get sick and have to go and see a doctor.
Q What about stock ? A Well sir, he has always had hogs, and horses and stock on the place ever since we have been there.
Q That's been five years ? A Yes sir.
Q Since you first knew him ? A Yes sir.

Examined by Mr. Hastings:

Q Where was he living when you first knew him five years ago this coming March ? In March, 1898 ?
A He was living in Chetopa.
Q Keeping house there ? A Yes sir.
Q He and his family ? A Yes sir.
Q Do you know whether they owned the house they lived in or not ?
A I do not; I reckon they do.
Q Do they live in the same house yet ? A Yes sir.
Q And they have all the time since you have known them ?
A Yes sir.
Q That is in Chetopa, Kansas ? A Yes sir.

Examined by Mr. Mellette:

Q His family have been there ever since you first knew him have they not ? At Chetopa ? A Yes sir always been there so far as I know, off and on.
Q When you first knew him, where did you first meet him ?
A I met him at his home.
Q Where ? A Down in the Nation.
Q Was he staying around there, and his wife at Chetopa, the same as he has always been ? A Yes sir.
Q When you first met him he was there at his place in the Cherokee Nation ? A Yessir. He has had different renters there, but he was always there.
Q When you say he was living in Chetopa when you first knew him, you mean that his family was there, and he was back and forth ?
A Yes sir.

By Mr. Hastings:

Q Was his family there when you saw him the first time in March, 1898, was his family up in Chetopa then ? A I don't recollect.

Q You don't remember seeing his family ? A No sir.

M. M. CRAIG, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A M. M. Craig.
Q Where do you live ? A I live about four miles west of Miami, in the Cherokee Nation.
Q Do you know John M. Rideneur ? A Yes sir.
Q Where has he been staying during the last five or six years ?
A Well, he's been staying at Miami and in the Cherokee Nation. He has got a farm there.
Q Where is his family ? A There part of the time and at Chetopa.
Q What do you know as to his keeping rooms there at his place in the Cherokee Nation ? A Yes sir, he has a house there, and he has had a tenant since I have been there, and he has used part of the house reserved for him and his family.
Q Furnished ? A Yes sir, some furniture in it.
Q What about stock ? A Well, he had stock there when I went there, and he has stock there yet; implements, tools and so on.
Q When did you go there ? A I went there five years ago.
Q What does he do about the place ?
A He has been farming there. He has built two small houses since I have been there, and keeps up the fence, and farms some; and cut some hay.

Examined by Mr. Hastings:

Q Where was his family when you went there five years ago ?
A Mr. Rideneur's family was at Chetopa.
Q Was you ever at his house in Chetopa ? A Yes sir.
Q Are they living at the same place yet ? A Yes sir.
Q Are they living at the same place yet ? A Yes sir.
Q And they have been all the time from that time till the present.
A They have been at the farm and at Chetopa.
Q They never have given up their residence ? A I think not.
Q They have lived in the same house in Chetopa ? A I think so.
Q They have never moved their furniture out ? A I don't know.
Q Did they ever move a single piece ? A I think they moved some things to the place and back again.
Q When ? A In the last five years.
Q What did you ever see them haul to the place and back ?
A I think they hauled a bed-stead back and forth.
Q When ? A Well, I think probably two years ago or three years ago Mr. Rideneur had a man down there named Houston, and I think he fetched a bed down there then, if I am not mistaken. And then he took it back in a short time.
Q He took it back in a short time ?
A Why yes, I think he took it back in the fall.

ELIZABETH RIDENOUR, called as a witness, being duly sworn, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A Elizabeth Rideneur.
Q Are you the wife of John M. Rideneur ? A Yes sir.
Q What is your blood ? A Shawnee.
Q When did you move to the Cherokee Nation ? A In 1870.
Q When did you move there in relation to the time the Shawnees came to the Cherokee Nation ? Did you come when the Shawnees came ?
A Yes sir.
Q Were you a registered Shawnee ? A Yes sir.
Q What was your name at the time you came to the Cherokee Nation ?
A When I first came my name was Garrett. My maiden name was Garrett.
Q Who did you marry first ? A William Baughman.
Q You came to the Cherokee Nation as Elizabeth Baughman then ?
A No sir, we came in October, and my name was Garrett, and I married Baughman then.
Q Your husband's name was what ? A William Baughman.
Q Your name was Elizabeth Baughman after you married him ?
A Yes sir.

Mr. Mellette: I want to submit the roll of registered Shawnees and # 174, shows the name of Elizabeth Baughman.

The Commission: It appears from the list of Shawnees offered in evidence that the name of the said Elizabeth Baughman appears opposite # 174 on the roll of Shawnees who came to the Cherokee Nation prior to the 10th day of June, 1871, within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation. It further appears that the name of William Baughman appears opposite # 173, of said register of Shawnees.

By Mr. Mellette:

Q Mrs. Rideneur, were you divorced from your husband William Baughman ? A Yes sir.
Q In the Cherokee courts ? A Yes sir.
Q What district, do you know ? A No , I have forget.

Mr. Mellette: I want to introduce the record of the Circuit Court of Delaware District, Cherokee Nation, showing the divorce of Elizabeth Baughman from William Baughman.

The Commission: The same will be filed and made a part of the record herein.

Witness examined by Mr. Hastings:

Q Where were you married to John M. Rideneur ?
A We was married at Uncle Charlie Bluejacket's on Cabin Creek.

By Mr. Mellette:

Q Did you have a Cherokee license at the time you were married to your husband ? A Yes sir.
Q Do you know where it is ? A No, I can't say where it is.
Q Do you know whether it is filed with the Commission or not ?
A I don't know that either.

EDWARD LANE, being duly sworn and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A Edward Lane.
Q Where do you live ? A On Russell creek.
Q Are you a citizen of the Cherokee Nation ? A I think so.
Q Are you a recognized citizen ? A Yes sir.
Q Do you know John M. Ridenour ? A Yes sir.
Q Do you know where he has voted within the last six or eight years ? A Well, I know of him voting twice at Timberlain precinct.
Q In what Nation ? A Cherokee Nation.
Q Ina Cherokee election ? A Yes sir.
Q How do you know of his voting ? A I was judge one time, and clerk another.
Q About when was that ? A It's been, I can't just tell exactly when, I haven't taxed my memory on it.
Q About when ? A Well, within the last four or five years. I think he voted for Mr. Buffington the last time he ran for Chief.
Q Was his vote challenged at the time, or anything of that sort ?
A No sir.

Examined by Mr. Hastings:

Q Where did he live at that time ? A Over in Kansas.
Q How long had he been living in Kansas ?
A I can't positively state; some years though.
Q Six or eight years ? A I should say six years.

By Mr. Mellette:

Q Did he own a place in the Cherokee Nation at that time ?
A So I understood; I never have been on the place.

JOHN M. RIDENOUR, the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A John M. Ridenour.
Q Are you the claimant in this case ? A Yes sir.
Q Mr. Ridenour did you ever vote in the State of Kansas ?
A No sir.
Q Why not ? A Because I didn't claim I was a citizen there. I voted always down here.
Q When your family was up in Kansas where was your home, where did you regard as home ? A Down on the place in the Cherokee Nation.
Q Have you voted in the Cherokee Nation since your family have been in Chetopa ? A Yes sir.
Q How often ? A I voted two or three different times. Two different times that I know of, and maybe three.
Q You say you never voted in Kansas ? A No sir.
Q Why ? A I don't regard that I was a citizen of Kansas.

Examined by Mr. Hastings:

Q How long had your family been residing up there in the State of Kansas ? A We first moved there in 1884.

Examined by Mr. Mellette:

Q You have kept your home and things in the Cherokee Nation during that time ? A Yes sir.
Q Where is your stock ? A Down on the place.
Q Has it ever been in Chetopa ? A No sir, only what I have in the team going backwards and forwards.
Q What time would you spend down in the Cherokee Nation on your place ? A Sometimes I would be there three or four weeks at a time.
Q What doing ? A Farming, working and improving it.
Q Did you reserve any rooms in your place when you rented it ?
A Yes sir.
Q How long did you rent it at a time ?
A Only one year at a time.

AMOS SMITH, called as a witness, being duly sworn by the Commission, and sworn, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A Amos Smith.
Q Where do you reside ? A In the Cherokee Nation.
Q Do you know John M. Rideneur? A Yes sir.
Q Where has he been staying during the time his family were up at Chetopa, during the last six or eight years ?
A A good deal of his time on his farm.
Q How do you know he was there ? A Because I have seen him there. I have seen him there in passing.
Q What he be doing there ? A Working, making a garden, cultivating a crop and threashing wheat.
Q What years has he been doing that ?
A In 1897 I threshed some wheat for him, individual wheat. In 1898 I threshed another crop on his place for him and one of his renters, and in 1900, I threshed a crop there, and in 1901 I threshed a crop on his place.
Q Of his individually ? A No sir. But he was always there to take care of it himself.
Q What about cultivating grain and things of that kind ?
A He cultivated corn this last season.
Q What about stock ? A He always had stock there.
Q How long have you known him ?
A About twenty five years.
Q Have you lived up there that long ? A Yes sir.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q During the time his family has been in Chetopa where did he regard his home, if you know ? A I can't say sir whether he regarded his home in Chetopa or in the Cherokee Nation, his family was in Chetopa though.
Q Do you know of his attending to any other business except farming business in the Cherokee Nation ? A No sir, I don't know that he ever had any other business.
Q Except running his farm ? A Yes sir, that's all I know of.
Q Do you know anything about whether he reserved any rooms on his place for himself ? A I threshed there once in 1898, and I stayed up stairs, and I saw a lot of furniture up there, and I asked the family there whose furniture that was, and they said it was Jack's.
Q Did they mean Rideneur ? A Yes sir, we always call him Jack.

Examined by Mr. Hastings:

Q How long has he and his family been living in Chetopa ?
A Since about 1892 or 3.
Q They have lived there all the time and he has gone backwards and forwards to look after the farm ? A Yes sir. I have seen his family there too, at times.
Q They have lived there since 1893 ? A Yes sir.

Examined by Mr. Mallette

Q What time would the family come down there ?
A At various times; I have been there at different times. Don't understand me to say that they were residing there; they would be down there in the summer season for a month or so. I would see his children there and his wife.

By Mr. Hastings:

Q Just down there temporarily, and they would then go back to Chetopa ? A Yes sir, I guess so.
Q Just for two or three weeks at a time ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 6, 1902.

B O Jones
Notary Public.

[illegible], I.T.

To A[illegible] [illegible]

[illegible] of marriage [illegible] United States and [illegible] Lizzie Garrett, [illegible] the [illegible] nation, according to the usual custom and laws of the [illegible] nation, and you are required to return this license to me, [illegible], within thirty days from the celebration of said marriage [illegible] certificate of the same attended thereto and signed below.

Given under my hand and Seal [illegible] this the [illegible] day of December A.D., [illegible].

[illegible]
[illegible]

(SEAL)

Tahlequah, I.T.
[illegible]

I, Charles Blueja[illegible], [illegible] hereby certify that on the 25th day of December, [illegible] married in marriage Mr. John M. Ridenour a citizen of the United States and Miss Lizzie Garrett a citizen of the Cherokee Nation, agreeable to the authority given in the within License, and the customs and laws of the Cherokee Nation.

M A R R I A G E L I C E N S E

Cherokee Nation, I.T.
Delaware District.

To Any Person Legally Authorized to Solemnize Marriage-Greeting:

You are hereby authorized to join in the HOLY BONDS OF MATRIMONY, and to celebrate the rites and ceremonies of Marriage, between Mr. John M. Ridenour, a citizen of the United States and Miss Lizzie Garrett, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 23rd day of December, A.D., 1889.

J.J. McGhee,
Clerk Delaware District

(SEAL)

Cherokee Nation, I.T.
Delaware District.

I, Charles Bluejacket, a citizen hereby certify that on the 25th day of December, 1889 I joined in marriage Mr. John M. Ridenour a citizen of the United States and Miss Lizzie Garrett a citizen of the Cherokee Nation, agreeable to the authority given in the within License, and the customs and laws of the Cherokee Nation.

Given under my hand this the 25th day of December A.D.,1889.

Charles Bluejacket

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., May 6, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of John M. Ridenour, et.al. as citizens of the Cherokee Nation.

G L Mickey

Cherokee D #458

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elizabeth Ridenour and minor children, Charles C. and Elmer O. Ridenour, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I O N

The record in this case shows that on September 28, 1900, John M. Ridenour appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of Elizabeth Ridenour and minor children, Charles C. and Elmer O. Ridenour, as citizens of the Cherokee Nation of Shawnee blood. The application also included the said John M. Ridenour, husband of the said Elizabeth Ridenour, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said John M. Ridenour is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, October 27 and December 2, 1902.

The evidence shows that the applicant, Elizabeth Ridenour, is of Shawnee blood and that the applicants, Charles C. and Elmer O. Ridenour, are the minor children of the said Elizabeth Ridenour. The said Elizabeth Ridenour is duly identified on the register of names of members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation in accordance with the terms of an agreement made June 7, 1869, by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians, and approved by the President of the United States June 9, 1869. All of the applicants herein are identified on the 1896 census roll of the Cherokee Nation as adopted Shawnees.

The evidence further shows that the applicant, Elizabeth Ridenour, has continuously resided in the Cherokee Nation since she located therein, as aforesaid, except during the last nine or ten years, during which time she has resided in Chetopa, Kansas. It further appears that during all the time the applicant has been residing in Kansas she, together with her husband, has owned personal property in the Cherokee Nation.

The residence of the minor applicants herein has been the same as that of their mother, the said Elizabeth Ridenour, since birth.

Cherokee D [illegible]

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph B. Tenrowle et al., Cherokee D 937 (I. T. D. [illegible]), that the said Elizabeth Ridenour, Charles C. Ridenour and Elmer E. Ridenour should be enrolled as citizens of the Cherokee Nation of Indians blood, in accordance with the provisions of Section Twenty-seven of the Act of Congress approved June 10, 1898 (30 Stats., [illegible]), and it is so ordered.

TOWNSHEND TO THE VICE CHAIRMAN.

[illegible]
Chairman.

[illegible]
Commissioner.

C. R. [illegible]
Commissioner.

[illegible]
Commissioner.

Muskogee, Indian Territory,
This [illegible] 18 [illegible]

Cherokee 2 456

Muskogee, Indian Territory, October 15, 1902.

Edgar Smith,

Attorney for John W. Hideaway,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that John W. Hideaway has, this day, been directed to appear before the Commission to the Five Civilized Tribes, at the office at Muskogee, Indian Territory, prior to October 21, 1902, to testify relative to his right to enrollment as an intermarried citizen of the Cherokee Nation, on September 2, 1902. He has also, been directed to introduce further testimony as to his residence in the Indian Territory.

Respectfully,

Commissioner in Charge.

Cherokee D 496

Muskogee, Indian Territory, October 18, 1906.

John M. Ridenour,

Chetopa, Kansas.

Dear Sir:

The act of Congress approved July 1, 1902 (Public No.321) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1906, and testify relative to your right to enrollment as an intermarried citizen, on September 1, 1902.

At the same time, you are directed to submit to this Commission additional evidence as to your residence in the Indian Territory.

Please give this matter your immediate attention, as the evidence requested is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the

J. H. H.

cant is furnished, no further action will be taken looking towards your final enrollment as a citizen.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee D-458

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of John M. Ridenour for the enrollment of his wife, Elizabeth Ridenour, and his two minor children, Charles G. and Elmer O. Ridenour, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-14

(COPY)

Cherokee D-458.

Muskogee, Indian Territory, October 12, 1903.

John M. Ridenour,

Chetopa, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your wife, Elizabeth Ridenour, and your two minor children, Charles C. and Elmer O. Ridenour, as citizens of the Cherokee Nation of Shawnee blood.

Respectfully,

Tams Bixby,

Chairman.

Encl. D-102.

Register.

(COPY)

Cherokee D-458

Muskogee, Indian Territory, October 12, 1903.

Edgar Smith,

Attorney for John M. Ridenour et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of John M. Ridenour for the enrollment of his wife, Elizabeth Ridenour, and his two minor children, Charles C. and Elmer C. Ridenour, as citizens of the Cherokee Nation of Shawnee blood.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-103.

Register.

Cher 10326
Mary Walker

Trans. from D490

Cher 10326

Page 6

a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1898

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2nd, 1900.

In the matter of the application of Alexander Walker for the enrollment of himself, wife and children as Cherokee citizens of Shawnee blood; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Alexander Walker
Q How old are you? A 42.
Q What is your post-office address? A Miami
Q What district do you live in? A Delaware.
Q Are you a recognized citizen by blood? A No sir
Q For whom do you apply for enrollment? A Mary Walker.
Q Your wife? A Yes sir.
Q What was her name before you married her? A Mary Garrett.
Q What is her father's name? A Samuel Garrett.
Q What is her mother's name? A Dixie Garrett
Q Are they living? A No sir
Q What is the age of your wife? A 33.
Q When were you married to her? A I was married the first time in 1880 in Kansas City Missouri, and the second time in 1889 in the Cherokee Nation.
Q By Cherokee law? A Yes sir
Q Don't you apply for yourself then? A Yes sir.
Q Have you got certificate of marriage? A Yes sir. (Produces papers)

Com'r: The applicant presents duly authenticated marriage license and certificate of marriage certifying that he was married on the 26th day of September 1889 to one Miss Mollie Garrett a citizen of the Cherokee Nation, according to the laws of the Cherokee Nation.
Q Have you any children? A Yes sir, 6.
Q Do you want to enroll them? A Yes sir.
Q What are the names of your children? A Estella, 12 years old Mabel, 10 years old; Callie Ella, 8 years old; Samuel Lewis, 6 years old; Emory Frederick, 4 years old; Blanche, 2 years old
Q Are these children all alive and living with you at this time? A Yes sir.
Q Have you any proof of birth as to this youngest child? A Yes sir (Produces papers)
Com'r: Applicant presents proof of birth as to Blanche, his youngest child.
Q How long have you lived in the Cherokee Nation? A 13 years.
Q Were you ever married before you married Mary Garrett? A No sir
Q Was she ever married before? A No sir.
Q You are living with her now? A Yes sir
Q Your wife is not on the roll of 1880? A No sir, I think not
Q How does she get citizenship then? A Her father was registered here as a Shawnee.
Q Is she a Shawnee? A Yes sir
Q Have you any proof of her citizenship? A Yes sir, Steve Blue Jacket he knows.

Examined by Cherokee Representative W.W.Hastings:

Q She came down here in '71 or 2 with the Shawnees? A Yes sir
Q And staid here about 2 years? A Staid here until 1874.
Q And then went back to Kansas? A Yes sir.
Q And staid there until you married her, is yes? A Yes sir.
Q You married her, and she came back here in 1889? A No sir, 1887.
Q She staid there from 1874 until 1887? A Yes sir
Q Upon your return neither of you were ever admitted to citizenship in this country? A I got my license here and voted here.

Q You were never re-admitted according to Council? A No sir.
Q Is your wife a sister of Dick Garrett's, that registered here the other day? A Yes sir.
Q And he swore that he was a citizen of the Cherokee Nation and lived here, and he lives up near Kansas City, about 14 miles from there now? A Yes sir.
Q And has for years? A Yes sir

1896 roll page 593 #591 Alexander Walker, Delaware District;
1896 roll page 615 #372 Mary Walker, Delaware District
1896 roll page 615 #373 Estella Walker, Delaware District;
1896 roll page 615 #374 Mabel Walker "
1896 roll page 615 #375 Gallie Walker, "
1896 roll page 615 #376 Samuel L. Walker "
1896 roll page 615 #377 as Annie F. Walker, "

Com'r Needles: The name of Mary Garrett and her husband Alexander Walker and their children, as enumerated in the testimony names appear upon the census roll of 1896; Alexander Walker swore that his wife Mary is a Shawnee citizen by blood, and makes proof that he was married to her in the year 1889; the facts as to his residence will be found in the testimony taken herewith; because of his residence, not being satisfactorily established, the names of said Alexander Walker, his wife Mary, and his children as specified in the testimony will be placed upon a doubtful card, and final judgment as to the application for enrollment of said parties will be suspended.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 2nd day of October 1902.

C Needles

Commissioner.

Patrick Blackfeather
Private Company
Cherokee Nation Guards
Mounted on Guard
Mounted Cherokee uniform 70
on this 27 day of April
1864 Colonel Commanding
Cherokee

CHEROKEE NATION, I. T.,)
Delaware DISTRICT.)

I, a

hereby certify that on the 26 day of Sept 1889
I joined in Marriage, Mr. Allen Walker a citizen
of the United States and Miss Mollie Garrett a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the 26 day of Sept
A. D. 1889 Charles Blackpatch

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
OCT 1 1 1 1 1 1 1 1

Lehita Blackpatch
Linnie Blackpatch

Recorded in Book A
Marriages Record on page 70
on the 28 day of Sept
1889 O S Shelton
Clerk

Marriage License.

CHEROKEE NATION, I. T.)
Delaware DISTRICT)

To any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Alex. Walker, *a citizen of the United States and Miss* Molly Garrett *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the 26 *day of* Sept *A. D. 188*[illegible]

C. F. Shelton
Clerk Delaware *District.*
C. N.

(COPY)

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Blanche Walker (Here insert name of child), born on the 28 day of April, 1898

Name of Father: Alex Walker a citizen of the Cherokee Nation.

Name of Mother: Mary Walker a citizen of the Cherokee Nation.

Post-office Miami, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District } [illegible]

I, Mary Walker, on oath state that I am 33 years of age and a citizen, by [illegible], of the [illegible] Nation; that I am the lawful wife of Alex Walker, who is a citizen, by adoption, of the [illegible] Nation; that a female (Male or female) child was born to me on 28 day of April 1898; that said child has been named Blanche Walker, and is now living.

WITNESSES TO MARK: Mary Walker

(Must be Two Witnesses)

Subscribed and sworn to before me this [illegible] day of [illegible] 1900

(SEAL) [illegible] F. Neil

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District } [illegible]

I, [illegible], a [illegible], on oath state that I attended on Mrs. Mary Walker, wife of Alex Walker on the [illegible] day of April, 1898; that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Blanche Walker

WITNESSES TO MARK [illegible]

(Must be Two Witnesses)

Subscribed and sworn to before me this [illegible] day of [illegible] 190[illegible]

(SEAL) [illegible]

My com ex 10/10/1905.

NOTARY PUBLIC.

[illegible] I was not an officer at the polls and dont know if he cast his vote.

How long ago was it been [illegible]

[illegible]

BY MR. [illegible]

[illegible]

BY MR. SMITH: [illegible] ing cases. Cherokee [illegible] 0-1201.

BY COM'R NEEDLES: As requested by [illegible] this testimony will be filed in the cases named.

• • • • • • • •

[illegible]

File with Alexander Walker et al., Cherokee tribal gov.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 23rd, 1901.

In the matter of the application of Frederick Garrett, Cherokee Card 9-485. SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
J. L. Bough for the Cherokee Nation
Mellette & Smith for the applicants.

FREDERICK GARRETT being first duly sworn by Com'r T. B. Needles, testifies as follows.

(By Mr. Smith) State your name? A Frederick Garrett.
Q Are you the applicant in this case? A Yes sir.
Q You have testified in the case before? A Yes sir.
Q Before the Commission when you made your application? A Yes sir.
Q Do you remember what year it was that you returned to the Cherokee Nation after your father took you out when you were a boy? A I think it was either '86 or '87.
Q To what place did you return? A To the old home place.
Q Did you have any property on that place at that time? A An interest in some cattle.
Q How many cattle? A 143 head.
Q What did you do with these cattle? A I have part of them yet.
Q Did you ever vote anywhere except in the Cherokee Nation? A No sir
Q Ever hold office anywhere except in the Cherokee Nation? A No sir.
Q Ever sit on juries anywhere except in the Cherokee Nation? A No sir.
Q Have you ever voted in the Cherokee Nation? A Yes sir.
Q Ever have any permits issued to you by the Cherokee Nation? A Yes sir.
Q Where did you have the permits? A You mean where were they issued from?
Q Yes sir. A From the Clerk's office.
Q What clerk? A Mr Hastings was clerk when I got some of them.
Q What Hastings? A I dont know his first name.
Q Clerk of what district? A Delaware district.
Q Have you a brother named George Garrett? A Yes sir.
Q When did he come back to the Cherokee Nation after your father took him out? A I don't remember just when it was, he was here 2 or 3 years before I came.
Q He was here when you came? A Yes sir.
Q Have you a brother named Robert L.? A Yes sir.
Q When did he come back? A Some year I did, just before I did.
Q Have you a sister named Mary? A Yes sir.
Q When did she return? A When Robert did.
Q What you a sister named Elizabeth? A Yes sir.
Q When did she return? A Same time the others did, just before I did.
Q Were your brothers Robert and George recognized in the same way that you were? A Yes sir, I think so. I never heard anything different.
Q I believe you stated in your original examination here that you had property here in the Cherokee Nation during the time you were out? A I had an undivided interest in the cattle was all.
Q Does your name appear on the Shawnee roll of 1869 which was made out in accordance with the treaty of 1867? A I think it does.
BY MR. SMITH: If the Court please I would like to have the Shawnee roll examined and that part thereof which mentions the name of this applicant made a part of this record.

BY COM'R NEEDLES: Cause the applicant and presents the Register of the name of the members of the Shawnee Tribe of Indians who

have moved to and located in the Cherokee Nation, Indian Territory (prior to the 10th day of June 1871) within two years from the 9th day of June 1869 in accordance with an agreement entered into by and betw en the Shawnee tribe of Indians and the Ch rokee Nation of Indians through their Delegations in Washington D. C., United States of America on the 7th day of June 1869 and approved by the President of the United States on the 9th day of June 1869 in accordance with the Fifteenth Article of the Cherokee treaty of with the United States proclaimed August the 11th 1866, and calls the attention of the Commission to the fact that on said rolls at #341 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee Representatives and the said rolls being certified to by Lewis Downing Principal Chief of the Cherokee Nation and by Graham Rogers, Late Principal Chief of the Shawnee Tribe of Indians and by Charles Tecumseh, Late Assistant Principal Chief of the Shawnee tribe of Indians.

Applicant also calls the attention of the Commission to th fact that at numbers 377 is found the name of Samuel Garrett; at #378 is found the name of Richard Garrett; at #379 is found the name of Geo. Garrett; at #380 is found the name of Robert L. Garrett; and at #382 is found the name of Mary Garrett.

(By Smith of applicant)

Q What is the fact as to your sister Elizabeth Garrett, what is the fact as to her returning coming here with you originally ? A She came with my father and the rest of the family.

Q She came here with your father? A Yes sir and kept house for him at the time.

(By Mr. Baugh)

Q How old was you when you returned from Kansas to the Cherokee Nation after you had left here? A About 26 years old.

Q Did you go to the Cherokee National Council and ask to be re-admitted to citizenship? A No sir.

J. C. WILLIAMSON being first duly sworn ~~[illegible]~~ testimony before Com'r T.B.Needles, testified as follows for applicant-

(By Smith)

Q What is your name? A J. C. Williamson.

Q Where do you live? A Bluejacket.

Q What is your age? A 56.

Q Are you a citizen of the Cherokee Nation? A I dont know that I am

Q You dont know? A (No answer)

Q How long have you lived in the Cherokee Nation? A Since September 1870.

Q What is your occupation? A Farming and stock raising.

Q Where did you come from to the Cherokee Nation? A Johnson County Kansas.

Q With whom did you come? A I came by myself but I had George W. Franklin's household goods and moving machine with me.

Q Is he a Shawnee citizen? A Yes sir.

Q Did you come as one? A No sir.

Q Did you marry a Shawnee citizen afterwards? A Yes sir.

Q Do you know John Frederick Garrett? A Yes sir.

Q Do you know his father? A Yes sir.

Q What is his father's name? A Samuel.

Q Do you know his brothers and sisters? A Yes sir.

Q Can you name them? A Richard, Elizabeth, Geo., Robert, Mary and George.

Q Were they all the children of Samuel Garrett? A He claimed them to be his.

Q Did he bring them here with him when he came? A I didn't see them coming but I saw them all in the house never knew he was living with his family.

Q When was that? A I am not positive if I saw them in '70 but I think

I saw them in '71, I know they were there in '71, and I think I saw them in '70; I stopped there in '71.
Q Did you know Samuel Garrett before he came to the Cherokee Nation? A Yes sir.
Q What was he? A A farmer.
Q Was he a Shawnee? A Yes sir.
Q An adopted Shawnee? A Yes sir.
Q And he came here when the Shawnees came? A Yes sir.
Q Did you know Frederick Garrett who has just left the stand here? A Yes sir.
Q Is he the same Frederick Garrett that you knew and who was brought here by his father and whose name is on the Shawnee Rolls? A Yes sir
Q And those brothers and sisters that you have named, do you know them as the brothers and sisters of Frederick? A Yes sir, I knew them when they came here.
Q Do you know anything about where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.
Q Where? A On the Chetopa and Carrie Ferry road on Fox creek near Neosho river in Delaware district Cherokee Nation.
Q With his family? A Yes sir.
Q These are the same people that you stopped with in '70 or 71? A Yes sir.
Q Did he improve a place there? A Yes sir.
Q In what way? A Built a house, fenced it and broke out a farm .
Q How long did the old man Samuel Garrett live there before he left that place, as well as you recollect? A As well as I recollect he left there in the fall of '75 or '6.
Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.
Q Which two did he leave? A I think Richard and George.
Q Do you know what disposition was made of the place when old man Garrett left there that time? A Yes sir.
Q What? A I rented the place.
Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.
Q What property, if any, did these people leave upon that place? A He left somewhere about 30 head of cattle, cook stove and a bed and bed steed, I think some house furniture, some plows,
Q About 30 head of cattle, some household goods and some farming implements? A Yes sir.
Q Was the old man Samuel Garrett ever back of the place after you rented it from him? A He was there back on the place every few months I cant call how often.
Q He had property there? A Yes sir.
Q Do you know of his voting in the Cherokee Nation after he left the place and went to Johnson County Kansas? A Nothing more than that he stopped with me.
Q Voted? A Oh voted, yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if he had property interests in Johnson county Kansas A Yes sir I know he owned a farm there when I was there and he owned quite a tract of land near Montezello Kansas, I dont know how much of a farm he did have there.
Q After he left this place, at the time he rented it to you, do you know of him voting anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of him holding himself out as a citizen of anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of his receiving permits in the Cherokee Nation after he rented that place to you? A Not direct.
Q Did he ever come back to live on the place after that? A Not that I know of.
Q Do you know when he died? A I know when he died but can't call the date now.
Q Could you think now? A Either [illegible]

Q Do you know this applicant Frederick Garrett? A Yes sir.
Q Do you remember when he came back to the Cherokee Nation? A I remember about his return, but I dont remember what year.
Q Do you know if some of this property you spoke of was on the place when Frederick got back? A I do not.
Q Were there any cattle on the place? A I think there was some cattle still on the place.

(By Dawes)

Q You say that you know old man Garrett voted in the Cherokee Nation? A He came down there and went into the polls, that was after he came down from Chetopa, after he had moved up there.
Q Who did he vote for? A I dont remember now.
Q You dont know if he voted or not do you? A I dont know if he did, he went into vote, I was not an officer at the polls and dont know if he cast his vote.
Q How long ago has it been since he moved to Kansas? A You mean when he first left the Cherokee Nation?
Q Yes sir A Well as near as I can remember it was in about '75.
Q He lived continuously from that time until his death in Kansas?
A Yes sir.
Q He never came back to the Cherokee Nation to live after that? A No sir not as I know of.

BY MR. RAINER: I desire to offer in evidence a part of the Shawnee-Cherokee Agreement entered into between the duly authorized delegates representing the Cherokee Nation of Indians, and the duly authorized delegates representing the Shawnee tribe of Indians, and in order to make specil reference to it will read a part of said agreement:

" That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently locate in the Cherokee country, as herein provided, within two years from the date hereof, otherwise they shall forfeit all rights under this agreement. "

I desire to further call the attention of the Commission to Article 1., Section 2 of the Constitution of the Cherokee Nation .

= = = = = = = = = =

BY COM'R Needles: This will be filed in Cherokee Doubtful case D-495.

BY MR. RAINER: I desire this testimony also to be filed in the following cases: Cherokee D-424; Cherokee D-430; Cherokee D-426 and Cherokee D-1021.

BY COM'R NEEDLES: As requested by applicant's attorney copies of this testimony will be filed in the cases named.

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Then, we think, being duly sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 28th of October, 1921.

T. R. Breedlove

Commissioner.

"R"

D 490

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Alexander Walker, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita, I. T., for applicants;
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant and his attorneys were notified by registered letter on February 14, 1902, that the application of Alexander Walker, for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letters, and the applicant this day, to-wit: the 1st day of March, 1902, is present in person and by his attorneys Mellette & Smith.

Mr. Smith: I desire to offer four permits as evidence under the same ruling as in the previous case.

Mr. Hastings: Objected to by the Cherokee Nation for the reason that they are no proof whatever of citizenship.

The Commission: The four permits offered in evidence by the attorney for the applicant will be filed and made a part of the record.

--The attorney for the applicant and the representative of the Cherokee Nation present, submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted fifteen days within which to file a brief in this case, one copy with the Commission, and one copy with the representatives of the Cherokee Nation.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this March 4, 1902.

W. M. Green
N. P.

Commissioner.

Nov 1502

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of Alexander Walker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife--Mary Walker--and his children--Estella, Mabel, Callie E., Samuel L., Emery F. and Blanche Walker--as citizens of the Cherokee Nation of Shawnee blood.

Supplemental to D-490.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ALEXANDER WALKER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, please? A. Alexander Walker.
Q. How old are you? A. 44.
Q. What is your post office? A. Dawes and Chetopa.
Q. Are you an applicant for enrollment as an intermarried citizen?
A. Yes, sir.
Q. What is your wife's name? A. Mary Walker.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir. Shawnee.
Q. When were you married to your wife Mary? A. The first time in '86.
Q. Where? A. Kansas City, Missouri.
Q. Then you were married to her again? A. Yes, sir.
Q. When? A. '88.
Q. Where? A. Bluejacket, Indian Territory.
Q. Married under a Cherokee license? A. Yes, sir.
Q. Have you filed the license with the Commission? A. Yes, sir.
Q. Had you ever been married before you married her? A. No, sir.
Q. Had she ever been married before? A. No, sir.
Q. You are her first husband, she is your first wife?
A. Yes, sir.
Q. Have you and your wife Mary lived together as husband and wife from the time of your marriage in 1888 up to the present time?
A. Yes, sir.
Q. Never have been separated? A. No, sir.
Q. Were you and she living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. Have you lived in the Cherokee Nation ever since you married your wife in 1888? A. No, sir.
Q. Where have you lived? A. Chetopa.
Q. Chetopa, Kansas? A. Yes, sir.
Q. When did you go to Chetopa, Kansas? A. About 6 or 7 years ago.
Q. Did you move your family there 6 or 7 years ago?
A. My wife and children; my children were in school.
Q. What time of the year did you go to Chetopa? A. Went there in the summer.
Q. Did you rent a house and keep house in Chetopa? A. No, sir; my wife had a house. She inherited it.
Q. You lived in that house since 1896 and sent your children to school? A. Only in school season.
Q. What did you do after school was out? A. I took them down on the farm. I lived on the farm myself.
Q. You never have lived up there yourself? A. Only just temporarily, when I am not working on the farm. Sometimes go up on the last of the week; sometimes not atall.

Q. During the busy season you didn't go up at all? A. Sometimes didn't go up at all. I stayed on the farm nearly all the time. I have stock there to take care of.
Q. How long has your wife and family ever stayed in the Territory at any one time since you moved them to Chetopa in 1895?
A. 2 or 3 months. Stayed there that time and then go back; from the time school was out until the next term commenced.
Q. When your wife and children came back to the farm in the summer what did you do with the household things in Chetopa?
A. Locked them up.
Q. Q. What did you keep house with on the farm? A. We have household goods there.
Q. You have two sets of household goods? A. Yes, sir.
Q. Has your wife and children been going to stay on the farm all the time after school? A. Not all the time. Backwards and forwards. Go up there a stay a day and come back on the farm.
Q. As a matter of fact the just come and visit you? A. No, sir; that is their home.
Q. How far do you live from Chetopa? A. About 15 miles. It is through the vacation they come out home; Christmas time.
Q. Now, Estella, Mabel and Callie E. were born here in the Cherokee Nation, were they? A. Yes, sir.
Q. Where was Samuel L., Emery F. and Blanche born? A. In Chetopa.
Q. All born there? A. Yes, sir.
Q. You have had a house and household goods there in Chetopa for about 7 years? A. Yes, sir.
Q. And your wife and family stay about 9 months out of the year there? A. No, sir; not all the time. They have been backwards and forwards. Some of the time they stayed up there.
Q. Have you cultivated your farm since your family went there?
A. Yes, sir. I rented a part of it.
Q. How many acres do you cultivate? A. Some years I have more than others.
Q. On the average? A. This year I have 50 or 60.
Q. Work that all your self? A. No, I hire a young man to help me.
Q. Now, from the time you married in 1888 up until seven years ago you and your wife lived in the Cherokee Nation, did you?
A. Yes, sir.
Q. Since then your home has been partly at Chetopa and partly in the Cherokee Nation? A. No, sir; my home is in the Territory.
Q. You lived in the Territory but your family stays in Chetopa?
A. Yes, sir.
Q. What is true about you and your wife is also true on these children, with reference to staying at Chetopa. They have been with your wife all the time? A. No, they are with me some of the time; stay there with me. Sometimes be there a week or two at a time.
Q. How long do you stay at Chetopa when you go there?
A. I don't think I have been there over a week and hardly ever that long.
Q. Kind of a bad way to live, isn't it? A. Well, we can't help it. We have got to educate our children. We can't allow them to grow up like wolves.
Q. All these children are living? A. Yes, sir.

Examination by Mr. Starr.

Q. You have got a school house on your farm, haven't you?
A. Yes, sir; new. Hardly ever have any school there.
Q. You have had school there? A. Very little. 2 or 3 months.

James G. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of November, 1906.

R. L. Jones
Notary Public.

Ower
Supp'l to D 490

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 2, 1902.

In the matter of the application of ALEXANDER WALKER, for the enrollment of himself as a citizen by intermarriage, and his wife, MARY WALKER, and his children, ESTELLA, MABEL, CALLIE E., SAMUEL L., EMERY F. and BLANCHE WALKER, as citizens of the Cherokee Nation, of Shawnee blood:

Appearances:
Applicants appear by W. M. Mellette, Esq;
Cherokee Nation, by W. W. Hastings, Esq.

G. D. BOONE, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name? A G. D. Boone.
Q Do you know Alex Walker, the claimant in this case ?
A Yes sir.
Q Do you know whether he voted at Chetopa, Kansas, at any time ?
A He never did.
Q How do you know ? A I watched the registration. If they don't register they can't vote.
Q Do you know why he didn't vote ? A He said he wasn't a citizen, and was a citizen of the Territory, and wasn't a voter in Kansas.
Q Have you heard him appealed to to vote ?
A Yes sir, and I have asked him myself.
Q To vote ? A Yes sir.
Q And he wouldn't do it ? A Yes sir, because he was a citizen of the Cherokee Nation.

Examined by W. W. Hastings:

Q How long has he and his family lived up there ?
A Six or seven years.

By Mr. Mellette:

Q During the time he was staying up there, where was his work; where did he carry on his business principally ?
A I guess he had some business there he carried on.
Q The sprinkling business ? A Yes sir, that's all I ever knew him to do.
Q Who was engaged with him in that business, do you remember ?
A I don't know, I hardly ever saw him riding the wagon himself; there was always somebody else riding it.
Q Have you ever been down to his farm in the Cherokee Nation ?
A No sir.
Q Ever see him there ? A Yes sir.

JAMES BIRDOW, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mellette:

Q What is your name ? A James Burton.
Q Where do you live ? A I live on the ground that year at Chetopa.

Q Are you acquainted with Alex Walker ? A Yes sir.
Q Are you acquainted with the place belonging to him in the Cherokee Nation ? A Yes sir.
Q When did you first become familiar with that place ?
A Six or seven years ago.
Q Did you live on it ? A Yes sir.
Q Who did you rent it from ? A Mr. Walker.
Q Well, what arrangement was made about reserving any part of the premises ? A Why when I rented the place from Mr. Walker, he never would rent it to me only for one year at a time, and then he reserved two rooms in the house; you see that's a large house.
Q How many rooms ? A About eight.
Q Did he have furniture ? A Yes sir.
Q They were furnished ? A Yes sir, always.
Q How much of the time has he stayed there during the last six or seven years while his wife and children have been in Chetopa ?
A Why he has been there principally all the time.
Q What does he do there ? A He farms there, and has every year for the last six or seven years.
Q He has had a crop in there every years ? A Yes sir.
Q You mean he has put it in individually ?
A Yes sir, he worked some himself, and hired some of it worked. He done part of the work himself, but he has had a man there too, of course; it's a large farm and the renters he had on it didn't farm all of it, and he farmed the rest of it himself.
Q Q Well, do you know what his family were staying at Chetopa for, what was the object ? A A The object was going to school.
Q To educate the children ? A Nothing more than that.
Q Would the family ever come back to the place ?
A Always when they didn't have school.
Q His wife and children were there all the time when they didn't have school ? A Yes sir, all through vacation, and everything of that kind they was always down there at the place.
Q Well, is there any school there about the place ?
A Nothing to amount to anything. They have got a school house there but they x very seldom have school in it.

Examined by Mr. Hastings:

Q There is a school house there ? A Yes sir.
Q What do they call it ? A High prairie.
Q Who lives on his place now ? A My son.
Q Where was this man living when you first knew him ?
A He had been living on the place.
Q At the time you moved on the place where was he living ?
A So far as that's concerned------
Q Don't try to evade it, where was he living, where was his family?
A You mean the time I rented the place ? Why his family was up at Chetopa.
Q Did they have a house up there ? A I suppose they did.
Q Don't you know he owns his own home at Chetopa ?
A Well now I will tell you, I have heard just like this exactly, I have heard that he inherited this home through his wife; that is, his my wife's father owned the place up there, and when he died--now I don't know whether this was all true, but I went on the place afterwards.
Q His wife and family have lived practically all the time up there except occasional visits to the place ? A No sir, I don't think so.
Q How much time has he ever moved down and kept house on the place since 1896 ? Have they ever kept house there since 1896 ?
A Yes sir.
Q When ? A Well now, to just exactly describe that time, I can't just exactly do it.
Q Where ? A In the same house.

Q In the same house with your son ? A Yes sir.
Q They brought their own cooking utensils there ?
A They had them there, didn't never take them away.
Q How long did they stay there ? A As much as two months at one time.
Q What year was that ? A I can't tell you.
Q Did they do that more than one time ? A Yes sir.
Q When did they do it another time ? A I don't know; I can't tell; since I have been on the place, but to be positive about dates and such things, I can't do it.
Q When did you leave the place ? A About a year ago. About eighteen months ago.
Q Are you a citizen ? A No sir.

BERT PAYTON, called as a witness, being duly sworn by the Commission, testified as follows:

Q What is your name ? A Bert Payton.
Q Where do you live ? A I live on Mr. Walker's place.
Q Alex Walker's ? A Yes sir.
Q How long have you lived there ? A Why 6 or 7 years.
Q Who did you first go there with ?
A Why I went there with my father.
Q Is your father the James Payton who has just been on the stand ? A Yes sir.
Q Where has Mr. Walker been staying during the last six or seven years ? A Most of the time on the farm.
Q What has he been doing ? A Why he has been improving the place and farming.
Q Has his family been there ? A More or less yes sir.
Q Has he any rooms reserved in the house ? A Yes sir.
Q How many ? A Two.
Q When his family would come downthere would they do their own cooking ? A Yes sir.
Q Are you still living on the place ? A Yes sir.
Q Are the rooms still reserved there ? A Yes sir.
Q Has Mr. Walker any stock or things of that kind on the place ?
A Yes sir, and has had ever since we have been there. There never has been a time but what there has been stock there.

Examined by Mr. Hastings:

Q Where does his wife and children now stay ? A They stay part of the time at Chetopa, when they are attending school, and part down there.
Q How long at any one time have they stayed on the place since you have been there ? A Two or three months at a time.
Q When ? A I can't tell the dates.
Q What year ? A Off and on ever since I have been there.
Q Do you know any one year ? A Yes sir.
Q When ? A Last fall during the oat harvest.
Q How long did they stay then ? A Well I can't tell just exactly the length of time.
Q Did they leave their furniture in Chetopa ?
A Their furniture is on the place.
Q Don't they have some furniture in Chetopa ? A Yes sir.
Q They didn't move that away ? A No sir.
Q They are keeping it now ? A Yes sir.
Q When people inquired for Mr. Walker down there where did you direct them to go to find him ?
A Why he is there most of the time.
Q Did you tell them just to stay there that that's the place to find him ? A They generally stayed around there.

Q How long did his family stay there last summer ?
A I can't say just how long.
Q How long did they stay there two summers ago ?
A Part of the time.
Q How long did they stay there three summers ago ?
A I can't tell you, but they are there more or less all the time.
Q How long were they there four summers ago ?
A Why I can't tell you anything about that.
Q They never gave up their house in Chetopa ? A No sir.
Q How do you understand they got their furnished house in Chetopa ? A They inherited it. They heired it.
Q How ? A They inherited it.
Q What became of the furniture on the farm ? A It's there. If anybody want to go there and look at it I will show it to him. His fruit is right there in the cellar at the present time.
Q His cooking utensils and all have been there all the time ?
A Yes sir.

EDWARD S. LANE, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Mallette:

Q What is your name ? A Edward S. Lane.
Q Do you know Alex Walker, the claimant ? A Yes sir.
Q Do you know anything of his voting in the Cherokee Nation within the last few years ? A I know of him voting twice, but I can't state just the time, but once. One time he voted on that one hundred and twenty acre treaty.
Q In January, 1899 ? A Yes sir.
Q You remember of his voting in January, 1899 ? A Yes sir.
Q You remember of his voting in the Cherokee Nation at another time ? A Yes sir.
Q When, was that before that ? A Yes sir, but I can't just tell the time.
Q Was his vote challenged for any reason at the times he voted there in the Cherokee Nation ? A No sir.

Examined by Mr. Hastings

Q Well, Mr. Lane, where has he and his family been living for the past six or eight years ? A Up in the State.
Q In Chetopa, Kansas ? A Yes sir.
Q He has been living there all the time with his family ?
A Yes sir.
Q How far do you live from his farm ? A I never was there, but it is about fifteen miles.
Q Do you know if he keeps house in Chetopa ? A I never was at his house.

By Mr. Mallette:

Q Do you know anything about his hauling feed or anything of that kind up to Chetopa ? A Oh yes sir, I see him coming backwards and forwards.
Q What does he haul ? A I have seen him hauling lumber once, he said he was going to build a porch.
Q On the Cherokee farm ? A Yes sir.
Q Hauling lumber from Chetopa down there ? A Yes sir. And then I have seen him hauling corn.

ALEXANDER WALKER, the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. H. Mallette:

Q What is your name ? A Alexander Walker.
Q Are you the claimant in this case ? A Yes sir.
Q Mr. Walker, did you ever vote in Kansas ? A No sir.
Q Why not ? A Because I was a recognized citizen of the Cherokee Nation.
Q Who is your wife ? A Mary Walker.
Q What was her name before you married her ? A Mary Garrett.
Q What was her blood ? A Shawnee.
Q I have here a marriage license issued by the Clerk of Delaware District, Cherokee Nation, authorizing your marriage to Mollie Garrett, is Mollie and Mary Garrett the same person ?
A Yes sir.
Q Was Robert Garrett a brother of your wife Mary Garrett ?
A Yes sir.
Q Have you voted in the Cherokee Nation within the last few years ?
A Yes sir at every election ; I don't think I ever missed one for six or seven or eight years; ever since I have been a voter.
Q You have held your residence in the Cherokee Nation ?
A Yes sir.
Q And voted in the Cherokee Nation ? A Yes sir.

By the Commission:

Q Is your wife's father named Samuel Garrett ? A Yes sir.
Q Has she a brother named Richard ? A Yes sir.
Q And one named George ? A Yes sir.

The Commission: There appears opposite # 328 of the list of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee nation prior to the 10th day of June, 1871, within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation or tribe of Indians.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 6, 1906.

B. O. Jones
Notary Public.

(COPY)

Before the Commission to the Five Civilized Tribes in the matter of the application of Alex and Mary Walker C.D. No 490.

The applicant, Mary Garrett is a sister of Frederick Garrett whose case is fully briefed in number C.D. 495.

The Garrett family are Shawnee Indians by blood and are duly enrolled as such on the roll of seven hundred and seventy two (772) names made under the Cherokee and Shawnee Agreement of 1869; and the only point in the case of these people is the contestion of the Cherokee Nation that they forfeited their citizenship by residing for a time out of the Cherokee Nation; as this question is fully briefed in the case of Frederick Garrett C.D. Number 495, this case is submitted upon the brief in the case of the said Frederick Garrett C.D. Number 495.

Respectfully submitted,

Mellette & Smith

GRS

(COPY)

P E R M I T.

Cherokee Nation, Delaware District.

Mr. Alex Walker, a citizen of the Cherokee Nation, is hereby authorized and permitted, in accordance with Section 2nd, of the "Act authorizing the District Clerk to issue PERMITS," Approved December 4th, 1879 and amended Dec. 1st, 1885 and Dec. 3rd, 1889, to employ James Walker to labor as a .....within this District for the term of 6 months from this date; he having paid to me, in advance, the sum of ..... dollars, as follows, Cash $3.00, National Certificates $_____. Given under my hand and seal of office this the 2 day of January, 1890.

J. R. Hastings,
Clerk of Delaware District
C.N.

OATH.

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation. That is not on account of any criminal offense against the laws of the same, that I have come to seek employment in this nation. That within ten (10) days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

(SEAL)

Sworn and subscribed to before me this 2 day of January, 1893.

J. R. Hastings,
C.D.D.C.N.

GRS

(COPY)

P E R M I T .

Cherokee Nation, Delaware District.

Mr. Elex Walker a citizen of the Cherokee Nation, is hereby authorized and permitted, in accordance with Section 2nd, of the "Act authorizing the District Clerks to issue PERMITS;" Approved December 4th, 1879 and amended Dec. 1st, 1885 and Dec. 3rd, 1899, to employ Wm. Endicott to labor as a .....within the District for the term of 6 months from this date; he having paid to me, in advance, the sum of ..... dollars, as follows)) Cash $3.00, National Certificates $..... Given under my hand and seal of office, this the 2 day of January, 1890.

J. R. Hastings,

Clerk of Delaware District, C.N.

OATH.

I do solemnly swear (or affirm) that I am a citizen of the United States, and that I have never made application before any Commission or Court of the Cherokee Nation for citizenship in said Nation. That it not on account of any criminal offense against the laws of the same, that I have come to seek employment in this Nation. That within ten (10) days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

(SEAL)

Sworn to and subscribed before me this 1 day of January, 1890.

J. R. Hastings,
C.D.D.C.N.

(COPY)

Series B. (Act of November 5th, 1892).

No. 1160.

Cherokee Nation, Delaware District.

Permission is hereby granted Alex. Walker a citizen of the Cherokee Nation to employ J. Orr Chubb as a farming for the term of three months from this date.

"No permit shall be issued for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1 day of April, 1896.

((((S)(E)(A)(L)))))))

J. R. Hastings,
Clerk Delaware District.

Countersigned:

E. W. Starr,
Treasurer Cherokee Nation.

Cherokee D 4490

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Walker and minor children, Estella, Mabel, Callie E., Samuel L., Emery V. and Blanche Walker, as Cherokee citizens of Shawnee blood:

D E C I S I O N

The record in this case shows that on October 2, 1900, Alexander Walker appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of his wife, Mary Walker, and minor children, Estella, Mabel, Callie E., Samuel L., Emery V. and Blanche Walker, as Cherokee citizens of Shawnee blood. The application also included the said Alexander Walker, husband of the said Mary Walker, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said Alexander Walker is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, October 27, November 10 and December 2, 1902. A copy of the testimony taken in the matter of the application of Frederick Garrett et al., Cherokee D 495, at Vinita, Indian Territory, October 23, 1901, is filed with and made a part of the record herein.

The evidence shows that the applicant, Mary Walker, is a Shawnee Indian and is identified under the name of Mary Garrett on the register of names of Shawnee Indians who moved to and located in the Cherokee Nation, Indian Territory, within two years from the 9 day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians on June 7, 1869, and approved by the President of the United States June 9, 1869.

The evidence further shows that the applicants, Estella, Mabel, Callie E., Samuel L., Emery V. and Blanche Walker, are the minor children of the said Mary Walker. An examination of the tribal rolls in possession of the Commission shows that Mary Walker and her four elder children, Estella, Mabel, Callie E. and Samuel L., are identified on the Cherokee-Shawnee pay roll of 1897 and that all of the applicants herein, except the youngest child, Blanche, are identified on the Cherokee census roll of 1896. The said Blanche Walker is duly identified by a birth affidavit made a part of the record herein.

The evidence further shows that the applicant, Mary Walker, has continuously maintained her residence in the Cherokee Nation ever since she located there, as aforesaid. It appears that from 1876 or 1876 to 1887, during which time the said Mary Walker was a minor, that she lived in the State of Kansas with her father, but it is also shown that her father owned personal property in said Cherokee Nation and voted therein during all of said time from 1876 to 1887. It is

also shows that since 1890 or 1894, the said Mary Walker has lived most of the time in Muscogee, Nation; but it further appears that during all of this time the applicant, together with her husband, has owned a farm and improvements thereon in the Cherokee Nation.

The residence of all the minor applicants herein has been the same as that of their mother, the said Mary Walker, since birth.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Lowrain et al., Cherokee D 937 (I. T. D. 2900-1906), that the said Mary Walker, Estella Walker, Ethel Walker, Callie E. Walker, Samuel L. Walker, Henry P. Walker and Blanche Walker should be enrolled as Cherokee citizens of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

CONCURRING IN THE FOUR CONCURRING OPINIONS.

Commissioner.

Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Hancock
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1906

COPY.

Cherokee D-490

Muskogee, Indian Territory, September 28, 1908

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 19, 1908, granting the application of Alexander Walker for the enrollment of his wife, Mary Walker, and his minor children, Estella, Mabel, Callie E., Samuel L., Emery F. and Blanche Walker, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. Dec.

Cher 10327
Linna I. Reed

Trans. from D572

Cher 10327

DEPARTMENT OF
COMMISSION TO THE FIV
FILED
OCT 15 1900

Doubtful as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 11, 1900.

In the matter of the application of Andrew Reed for the enrollment of himself, wife and five children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your name? A Andrew Reed.
Q How old are you? A 42 or 3.
Q What is your post-office? A Bartlesville.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll? A Myself and family.
Q Got a wife? A Yes sir.
Q How many children? A 5
Q What are you? A Cherokee.
Q What is your wife? A White woman.
Q How long have you lived in the Cherokee Nations? A Ever since I was born.
Q What is the name of your father? A Johnson Reed.
Q Is he dead or live? A Dead.
Q What is the name of your mother? A Malinda Reed.
Q Is she dead or alive? A Dead.
Q What is your wife's name? A Susan Louisa.
Q How old is she? A 33
Q When did you marry her? A 1887.
Q Have you lived with her ever since you married her? A Yessir
Q Give me the names of your children? A I have got a book here you can get the full names of them. (Hands Com'r book)
Q Linna I. 10 years old? A Yes sir.
Q Then you have got Nancy Anna that's the next one? A Yes sir.
Q She is 8 years old? A Yes sir
Q Then you have got P.L.A. Reed, that the next one? A Yes sir
Q What do you call him? A Philetus Lee Andrew is his name.
Q How old is he? A Six years old
Ala Q Then that is the next one? A Yes sir
Q She is four years old? A Yes sir
Q And then they have Alice Louvena, that is the next one? A Yes sir.
Q What do you call her? A Venus.
Com'r: We will put her down Alice L. V.
Q She is two years old? A Yes sir, she is two in November.
Q All these children are living now? A Yes sir
1880 roll page 165 #2429 Andy Reed Coowescoowee District; native Cher;
1896 roll page 243 #4071 Andy Reed Coowescoowee District;
1896 roll page 322 #873 Susie Reed "
1896 roll page 243 #4072 as Lena Reed "
1896 roll page 243 #4073 Nancy A. Reed "
1896 roll page 243 #4074 Philetus Reed "
1896 roll page 243 #4075 as Ala Reed "
Q Were you ever married before you married this wife? A Yessir
Q Was your other wife dead before you married her? A No.
Q Is she dead now? A I don't know.
Q Did you get a divorce from her? A I don't know she was married to another man long before I was married.
Q Was your wife ever married except to you? A No sir.
Q What was the name of your former wife? A Emeline.
Q What was her name when you married her? A She had been married before that, I don't know what her name she did go by, she had been married two or three times, but her maiden name was Poleson.
Q When did you marry her? A 1876 I believe.
Q When did you separate from her? A About 1880.
Q You apply for a divorce did you? A Yes.
Q And you have no copy of the decree of divorce? A No sir.
Q Is she still alive? A I couldn't tell you.
Q When was the last time you knew of her being alive? A 3 or 4

six years ago I believe.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he states that he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood;

He states that he married his ~~xxxxx~~ present wife in 1887, she is identified with him and with her children on the roll of 1897; he states that they have lived together ever since their marriage; she is a white woman; the applicant states that he was married previous to his marriage to his present wife, and he is unable to produce at this time a copy of the decree of divorce, and he further states that his former wife was living at the time he married his present wife; at present the application for her enrollment will be placed upon a doubtful card to await evidence of his having been divorced from his former wife.

Of the five children named in the testimony, the first 4 are identified on the roll of 1896; with their parents; they are all living at this time, but as their right to enrollment depends upon the proper establishment of the present marriage the application for their enrollment will be placed upon a doubtful card to await evidence of divorce from the applicant's ~~xxx~~ former wife; When a certificate is presented to the Commission of the birth of the child Alice L. V., the youngest child, the application for this child's enrollment will also be placed upon a doubtful card, under the same circumstances as the former.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 12th day of October 1900.

C H Breckinridge

Commissioner.

72

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 11 1900

ACTING CHAIRMAN.

COOWEESCOOWEE.

Number of Application Within District.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 11 1900 1900.

423 ~~Sandusky Reed~~ Guthrie Okla.

District COOWEESCOOWEE. Year ~~1896~~ Page 165 No. 2429

Citizen by blood yes Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

2 Wife's name Susan L. Reed

District Year 1896 Page 322 No. 873

Citizen by blood yes Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage 1867

License Certificate

Names of Children:

3 Lena J. Reed	Dist.	Year	Page 243	No. 4072	Age 10	
4 Nancy A. "	Dist.	Year	Page 243	No. 4073	Age 8	
5 Philetus L. "	Dist.	Year	Page 243	No. 4074	Age 6	
6 Ala T. "	Dist.	Year	Page 243	No. 4075	Age 4	
7 Alva L. "	Dist.	Year	Page	No. —	Age 2	
	Dist.	Year	Page	No.	Age	
	Dist.	Year	Page	No.	Age	
	Dist.	Year	Page	No.	Age	
	Dist.	Year	Page	No.	Age	
	Dist.	Year	Page	No.	Age	

~~1 Sandusky Reed~~

2 " 1896 " " Susan "

3 " " " " Lena "

5 " " " " Philetus Reed

6 " " " " Ala

7 Child not to be enrolled.

Decree of divorce of husband from former wife to be supplied

NOTE

The applicant applies for the enrollment of himself and wife. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. [illegible] blood. The applicant [illegible] states that he was married [illegible] with the Cherokee law, and that she was [illegible] member. There is flatly [illegible] is [illegible] wife, [illegible] has been [illegible] his present [illegible] 572. It is [illegible] to give [illegible] his [illegible] advisers [illegible] obtained [illegible] that [illegible] and children, it appears conclusively from the records [illegible] testimony that Andrew Reed, the husband of Susan D. Reed, a Delaware woman, [illegible] not [illegible] neither [illegible] enrollment [illegible].

F. C. Rothwell, [illegible] the Commission [illegible] all proceedings [illegible] and complete [illegible].

(Signed) [illegible] Stenographer.

Subscribed [illegible] sworn to before me this [illegible] November, 1900.

DENIED

Not in Dawes Roll
Not in Miscellaneous Roll
Not in Delaware Roll

Case d

D.578.

Supplemental testimony D-578.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 13, 1906.

In the matter of the application of George W. Green for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A George W. Green.
Q How old are you? A 56.
Q What is your postoffice? A Vera.
Q You live in Cooweescoowee District? A Yes.
Q Who is it you want to enroll; yourself and family? A Myself and wife.
Q Are you a Cherokee by Blood? A No, sir, I am a white man.
Q What is your wife, a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate.
Q You haven't got a copy of your license? A No, sir, it was destroyed and overlooked in changing the clerk.
Q When were you married? A I don't remember.
Q Were you married in '85 or '95; about when was you married? A About twenty years.
Q This is a note from that (the) preacher saying he married you in July, 1885, fifteen years ago; you think you were married about twenty years? A Somewhere between fifteen or twenty, I don't know which.
Q Where did you get your license? A Here at Claremore, John Bulletts made them out.
Q In Cooweescoowee District? A Yes, sir.
Q Were you ever married except to this wife? A Yes, I was married once before.
Q Was that wife dead when you married this wife? A Yes, been dead four years.
Q Was this wife ever married before she married you? A Yes.
Q How many times? A Once.
Q Was her husband dead when she married you? A Yes.
Q She never lived with but one man before she married you? A That's all.
Q What is your wife's full name now? A Emeline Green.
Q How old is she? A She is 56, same age I am.
Q What was her name when you married her? A Reed; her husband was Andy Reed.
Q Before it was Reed what was it? A Paloma.
Q She was a Reed I suppose in 1880? A She was single about three or four years before I married her; two years before I married.
1880 roll; page 185, #2420, Emeline Reed, Cooweescoowee.
1896 roll; page 188, #2038, Emeline Green, Cooweescoowee.
1896 roll; page 266, #420, George Green, Cooweescoowee.

Witness, Emeline Green, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name. A Emeline Green.
Q You're the wife of George W. Green who is making application here? A Yes, sir.
Q You were married once before? A Yes, sir.
Q Your first husband's name was Andy Reed? A Yes, sir.
Q He was a Cherokee was he? A Yes.
Q What was the name of his father; Johnson Reed? A Yes.
Q His mother's name was Malinda was it? A Yes.
Q When did you and that husband quit living together? A It's been good while.
Q About fifteen years? A Yes.
Q Did you ever get a divorce from him? A We never had a divorce.
Q Your husband stated a while ago, your present husband, that Andy Reed was dead? A Yes, we heard he was dead; a long time ago. [illegible] 15 years ago.

Q When did you hear he was dead? A About 13 years ago.
Q You never heard he was dead until sometime after you were married? A He left me when I was sick.
Q When did you hear he was dead? A About 13 years ago.
Q How long after you were married you heard he was dead? A Seven years.
Q You had been married about seven years to this husband before you heard Andy Reed was dead? A Yes.

Re-direct.

Q When did you first hear he was dead? A When we were married.
Q She said she heard it seven or eight years after you were married? A Well, I don't know I have such a poor memory.

Commissioner Breckinridge:

The applicant applies for the enrollment of himself and wife. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. The applicant is identified with his wife on the roll of 1896. He states that he was married to her in accordance with Cherokee law, and that she was previously married, and he states that her former husband was dead when the present marriage was consummated. This is flatly contradicted by the testimony of the applicant's wife, and it is shown in the application of Andrew Reed, the former husband of the applicant's wife, for the enrollment of himself, his present wife, and five children, that the said Andy Reed is living and he has been enrolled, Card No. 4149, as a Cherokee by blood, while his present wife and said children were put on a doubtful card No. 572. It is not clear that the present applicant has not intended to give false testimony to the Commission, and the question of his prosecution and pubishment therefore, will be taken under advisement. The applicant's wife states that no divorce was ever obtained between her and her former husband with whom she is enrolled in 1880. The application, therefore, for the enrollment of the applicant himself, at this time is rejected, and it is ordered that a copy of this testimony be filed with Case D-572, as supplementary testimony relating to the proposed enrollment of Susan L. Reed and children, as it appears conclusive from the present testimony that Andrew Reed, the husband of Susan L. Reed, a white woman, not having been properly divorced from his former wife, is not lawfully married tothe said Susan L. Reed, and therefore, that neither the said Susan L. Reed or her children, are entitled to enrollment at this time.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 12th day of November, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.
Subscribed and sworn to before me this 21st day of December, 1901.

Commissioner.

Indian Territory, on the 1st day of March, 1902, urge that she could on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

She has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

1224

"R"

D 872

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Susan L. Reed, for the enrollment of herself and children as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for the ~~ex~~ enrollment of herself and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

She has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Chero. D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T., June 7, 1902.

In the matter of the application for the enrollment of Susan L. Reed et al. as Cherokee citizens.

By Commissioner Breckinridge: Andrew Reed, of Cherokee straight case No. 4349 appears and files a certificate of marriage between himself and Susan L. Lucas, on the 27th day of November, 1887, her case is Cherokee D-572, and it is directed that this certificate be filed with her case.

Andrew Reed, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name. A Andrew Reed.
Q You have already applied for enrollment before the Dawes Commission? A Yes sir.
Q And you have now filed certificate of marriage between yourself and your wife? A Yes sir.
Q Were you ever married before you married this wife? A I lived with a woman before and that is what caused this trouble. I can't find anything to cause that.
Q You lived with a woman before you lived with this woman? A Yes sir.
Q What was her name? A Emeline Falling, when I got her, that was her man before.
Q You are a Cherokee by blood? A Yes sir.
Q Is that woman living now? A I couldn't tell you. George Keeler told me a week of two ago that she was dead; he was certain her man was dead for she married right away.
Q When did you last see her? A Down by Collinsville.
Q How long ago? A About three years ago.
Q When did you and that woman take to living together? A '76.
Q And how long did you live together? A I believe until in '80.
Q Did you and she have any children by that marriage? A No sir.
Q None whatever? A No sir.
Q Was she ever married before she took up with you? A They claimed she had a man by the name of Falling.
Q Was she a white woman or Cherokee? A Cherokee.
Q A full blood? A Pretty near full blood.
Q Did you know Falling? A I knowed him when I seen him; I wasn't acquainted with him until after I got the woman.
Q Did you ever know him as the husband of that woman? A No sir, they had separated.
Q You understood that he had been her husband? A She tolkd me so.
Q Did you ever have any other information? A She had said she lived with him.
Q It was a matter of common information that she and Falling had lived together as husband and wife? A Yes.
Q Did she have any children by Falling? A No sir.
Q Do you know how long they were said to have lived together? A No, I don't.
Q And she just left Falling and took up with you? A Yes.
Q How do you know whether she and Falling held each other out to the community as husband and wife? A No, I don't.
Q Well how did you do, di you hold each other out as husband and wife? A For the time we lived together I did.
Q You considered that you lived together as husband and wife in a Cherokee way is that so? A Yes sir.
Q When you and this woman parted did either of you get a divorce? A No sir.
Q You just parted and had nother more to say about it? A Yes.
Q How long after you parted before you married your present wife, about four or five years? A Between five and six years.

Q You have a lot of children by your present wife? A Yes sir.
Q And she is a white woman? A Yes sir.
Q So you never got any divorce from the Falling woman and she never got a divorce from Falling before she married you? A Not that I ever knowed of.
Q Was it customary with you Cherokees to just part company and marry again without getting a divorce in those days? A It seems a lot of them do that and there was never nothing said about it.
Q This present wife of yours what was her name when you married her? A Lucas.
Q Was that her maiden name? A Yes sir.
Q Was she never married before she married you? A No sir.
Q How old is she? A About 35 years old.
Q You sure she had never been married? A That is what they have all told me that she never was married.
Q She had no children? A No children.
Q How long had you known her before you married her? A About a year.
Q How long has she lived in the country do you know? A No, I don't.
Q About how old was she when you married her? A About 21 or '2, I don't remember now.
Q Do you know where she came from? A From Kansas down to the territory, about Sedan.
Q What did she and her people do down here? A He was farming up there.
Q Was he farming down here? A Yes sir.
Q Renting land when you met her? A Yes sir.

This testimony will be filed with the testimony in the case of the applicant's wife.

The undersigned, being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 12th day of June, 1902, at Muskogee, I. T.

(Signed) P. G. Reuter,
Notary Public.

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing testimony now on file with said Commission, and that the same is true and complete.

George R. Smith

Subscribed and sworn to before me this 23 day of January, 1903.

Samuel Tom
Notary Public.

Copy D-572

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of David A. Reed (Here insert name of child), born on the 3rd day of March, 1902

Name of Father: Andrew Reed a citizen of the Cherokee Nation.

Name of Mother: Susan L. Reed a citizen of the Cherokee Nation.

Post-office Bartlesville, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Northern District.

I, Susan L. Reed, on oath state that I am 35 years of age and a citizen, by Intermarriage, of the Cherokee Nation; that I am the lawful wife of Andrew Reed, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 3rd day of March, 1902 that said child has been named David A. Reed, and is now living.

WITNESSES TO MARK: Susan L. Reed

(Must be Two Witnesses)

Subscribed and sworn to before me this 7th day of June 1902

(((SEAL))) O. B. Clevenger NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Northern District.

I, Anna Parks, a midwife, on oath state that I attended on Mrs. Susan L. Reed, wife of Andrew Reed on the 3rd day of March, 1902 that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named David A. Reed

WITNESSES TO MARK: Anna Parks

(Must be Two Witnesses)

Subscribed and sworn to before me this 7th day of June 1902

(((SEAL))) O. B. Clevenger NOTARY PUBLIC.

(COPY) Cherokee D-572

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Alice Lou Venus Reed (Here insert name of child), born on the 12 day of November, 1898

Name of Father: Andy Reed a citizen of the Cherokee Nation.

Name of Mother: Susan Louise Reed a citizen of the Cherokee Nation.

Post-office Bartlesville, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Northern District.

I, Susan Louise Reed, on oath state that I am thirty-three years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Andy Reed, who is a citizen, by blood, of the Cherokee Nation; that a Female (Male or female) child was born to me on 12 day of November 1898 that said child has been named Alice Lou Venus Reed, and is now living.

WITNESSES TO MARK: Susan Louise Reed her X mark

(Must be Two Witnesses.) Geo. B. Keeler

J. L. Penn

Subscribed and sworn to before me this 11 day of October, 1902.

F. D. Keeler

(((SEAL))) My Com Expires May 1st, 1903. NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Northern District.

I, Jennie Hilderbrand, a midwife, on oath state that I attended on Mrs. Susan Louise Reed, wife of Andy Reed on the 12 day of November, 1898; that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Alice Lou Venus Reed

WITNESSES TO MARK: Jennie her X mark Hilderbrand

(Must be Two Witnesses) S. Moorney

M. E. Armstrong

Subscribed and sworn to before me this 11 day of October, 1902.

F. D. Keeler

(((((SEAL))))) Mc Com expires May 1st, [illegible] NOTARY PUBLIC.

Cherokee D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of Susan L. Reed for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation; Andrew Reed, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Andrew Reed.
Q How old are you? A I don't know exactly, about forty-five.
Q What is your postoffice? A Bartlesville.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q What is your wife's name? A Susan L. Reed.
Q How old is she? A About thirty-five past.
Q She is a white woman is she? A Yes sir.
Q When were you married to her? A In 1887.
Q Is she your first wife? A No sir, my first lawful wife.
Q Had you a wife named Emily? A That was the one I lived with.
Q Were you ever married to Emily? A No sir.
Q Never any marriage ceremony took place between you? A No sir.
Q You just took up with her-how long did you live with her? A Two or three years.
Q When did you commence living with her? A In '77 somewhere along there.
Q And lived with her a few years? A Yes sir.
Q Were you regarded as husband and wife at all? A We lived together and kept house together that length of time and then separated.
Q Did you regard yourself as her husband? A Why at times there I was gone and she was gone; we stayed at the same house.
Q Did you have any children by her? A No sir.
Q Did you regard yourself as husband and wife? A Yes, at times while we were there.
Q You did while you were living together? A Yes sir.
Q Was she a single woman when you took up with her? A Yes sir.
Q And you were a single man? A Yes sir.
Q But you say there was never any ceremony performed? A No sir.
Q When did you quit living with her? A I don't recollect now; it was along in the year of '80.
Q Has she married since she left you? A Yes sir.
Q She is married now is she? A No sir, her husband is dead.
Q Is that the only woman you ever lived with? A Yes sir.
Q Then you married your wife, Susan? A Yes sir.
Q Have you and Susan L. been living together ever since you were married? A Yes sir.
Q You never have been separated? A No sir.
Q She is the only wife you say you ever had? A Yes sir, she is the only one, I have the marriage certificate to show.
Q That has been filed has it? A Yes sir.
Q There never was any divorce between you and your former alleged wife? A No sir, we didn't need any; it wasn't according to law.
Q How many children have you by your wife, Susan? A Six.
Q Are they all living now? A Yes sir.
Q All living at home with you? A They were when I left Monday morning.
Q You and your wife are living together ever since you married her? A Yes sir.

In Susan L. Reed et al.

Q And living together on the first of last September? A Yes sir.
Q How long did you live in the Cherokee Nation? A I don't know.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

D. L. Rothenberger

Subscribed and sworn to before me this 12th day of November, 1902.

W. O. Yancey
Notary Public.

Cherokee D 572

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 11, 1900, Andrew Reed appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of himself and his minor children, Linna I., Nancy A., Philetus L. A., Ala M. and Alice L. V. Reed, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Susan L. Reed, as a citizen by intermarriage of said Nation; that subsequent to the date of said application a birth affidavit as to his minor child, David A. Reed, was filed with the Commission and the same is made a part of the record herein. Andrew Reed, being differently classified, is not embraced in this decision; and as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Susan L. Reed, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on June 7, 1902, and at Muskogee, Indian Territory, October 15, 1902. A copy of the testimony taken at Claremore, Indian Territory, on November 12, 1900, in the matter of the application of George W. Green, et al. has been made a part of the record herein.

The evidence shows that all the applicants herein were born since 1880 and are the minor children of said Andrew Reed, who is identified as a native Cherokee on the 1880 authenticated Cherokee roll.

The evidence further shows that the applicants are identified on the 1896 Cherokee census roll as follows, Linna I. as Lena Reed; Nancy A. Reed; Philetus L. A. as Philetus Reed; and Ala M. as Ala Reed. The said Alice L. V. and David A. Reed are too young to appear on any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

It further appears that Andrew Reed, father of said applicants, has resided all his life in the Cherokee Nation; and it is considered that the residence of the said minor applicants has always been with their father in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Linna I. Reed, Emmy A. Reed, Philotus L. A. Reed, Ala M. Reed, Alice L. V. Reed and David A. Reed should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSIONER.

COMMISSIONER.

C. R. Breckinridge
COMMISSIONER.

W E Stanley
COMMISSIONER.

Muskogee, Indian Territory,
this SEP 18 1900

COPY.

Cherokee D-372

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Andrew Reed for the enrollment of his minor children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-31

(COPY)

Cherokee D-872

Muskogee, Indian Territory, October 12, 1903.

Andrew Reed, Bartlesville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your minor children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-86

Register.

Cher 10328

Jacob Guthrie

Trans. from D585

Cher 10328

[illegible]

[illegible]

[illegible] Are you married? [illegible] Coffeyville, Kansas

Q. Have you a husband living? [illegible] and living with your husband? A. No, I live with my [illegible]

[illegible] applicant's enrollment of himself, his wife and two children, he is identified on the rolls of 1880 and 1896, as he states that he is a Shawnee and came to the Cherokee Nation with the Shawnees in 1871, he has lived for the past 12 years to a certain extent in Coffeyville, Kansas he states that his object in living there is simply to school his children, [illegible] that part of his own time is spent in the Cherokee Nation, where his business [illegible] is, and therefore has never abandoned the rights of citizenship outside the Cherokee Nation; for the further consideration of the question of domicile as arises in this case his application will be taken under advisement, though it seems to be well established that he never contemplated any locality as his home other than the Cherokee Nation, he states that he married his wife in 1883, she is identified with him on the roll of 1896, and also with her minor children, the older of whom is 16 years of age; he states that he and his wife have lived together as husband and wife ever since their marriage, she will be listed as a Cherokee by adoption, and the question of her enrollment will be for the present taken under advisement, as affected by the question of domicile,

The two children are identified with their parents on the roll of 1896; they are both living at this time; they will be listed as Cherokee-Shawnees, and the question of their enrollment will be taken under advisement as in the case of with their parents; the

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

In the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children a Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Jacob Guthrie.
Q How old are you? A 48.
Q What is your post-office? A Coffeyville, Kansas.
Q Do you live in Cooweescoowee District? A I have been living in Cooweescoowee District, I am living in Coffeyville now.
Q Who is it you want to have put on the roll? A Myself and family.
Q Your wife and how many children? A My wife and is a white woman; we married in the State; I have got two children.
Q You want to apply for your whole family? A Yes sir
Q Are you a Cherokee by blood? A No sir, I am Shawnee.
Q Your wife, you say, is a white woman? A Yes sir
Q When did you first come to the Cherokee Nation? A 1871.
Q How long did you live here continuously after you came in 1871? A Until 1885, continuously, and I have been here off and on all the time ever since.
Q How long have you been living at Coffeyville? A About 12 years
Q What are you doing there? A I am just living there schooling my children; all my property is in the Territory.
Q Are you in Business in Coffeyville? A No sir.
Q What is your business in the Territory? A Stock business.
Q Your business is all on this side of the line? A Yes sir.
Q Have you ever voted up in Coffeyville? A No sir
Q Never exercised any of the rights of citizenship up there? A No sir
Q Give me the name of your father? A Abaliah Guthrie.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nancy.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Dora.
Q How old is she? A 36 years old.
Q When did you marry her? A 1885.
Q You and she lived together ever since you were married? A Yes sir.
Q Give me the names of your children? A Wade Abaliah.
Q How old is that child? A 16 years old.
Q Next child? A Robert George.
Q How old is he? A 4.
Q Both living now? A Yes sir.
1880 roll page 263 #116? Jacob Guthry Delaware District;
1896 roll page 343 #196 Jacob Guthrie Cooweescoowee District:
1896 roll page 304 #420 Dora Guthrie "
1896 roll page 343 #197 Wade A. Guthrie "
1896 roll page 343 #198 Robert G. Guthrie "
Q Where were these children born? A They were born in Coffeyville.
Q Have you spent any time with your family in the Cherokee Nation in the last 12 years? A Yes sir
Q Have you a furnished house down here in the Cherokee Nation? A I don't know that you might call it a furnished house, I have got all my furniture that I ever had in the Cherokee Nation on my farm.
Q How much time have you spent in the last 12 years with your family in the Cherokee Nation? A Oh I expect we have spent probably a third of the time,
Q Most of your individual time in the Cherokee Nation? A All the time, yes sir, only such as I had to be there.

Q And your main purpose in living in Coffeyville is sending your children to school? A Yes sir.
Q Have you always contemplated moving to the Cherokee Nation and making that your home? A Never anywhere else.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1880 and 1896; he states that he is a Shawnee and came to the Cherokee Nation with the Shawnees in 1871; he has lived for the past 12 years to a certain extent in Coffeyville, Kansas; he states that his object in living there is simply to school his children, and that most of his own time is spent in the Cherokee Nation, where his business exclusively is, and that he has never exercised the rights of citizenship outside the Cherokee Nation; for the further consideration of the question of domicile as arises in this case his application will be taken under advisement, though it seems to be well established that he hasnever contemplated any locality as his home other than the Cherokee Nation; he statesthat he married his wife in1883; she is identified with him on the roll of 1896, and also with her minor children, the elder of whom is 16 yearsof age; he states that he and his wife have lived together as husband and wife ever since their marriage; she will be listed as a Cherokee by adoption, and the question of her enrollment will be for the present taken under advisement, as effected by the question of domicile;

The two children are identified with their parents on the roll of 1896; they are both living at this time; they will be listed as Cherokee-Shawnees, and the question of their enrollment will be taken under advisement as in the case of with their parents; the final conclusion of the Commission will be communicated to the applicant at his post-office address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 18th day of October 1900.

J B Thomas

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 15 1906

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 15 1900 1900.

48 Name Jacob Guthrie, Copsville I.T.

District Delaware Year 1896 Page 263 No. 1167

Citizen by blood Yes Mother's citizenship Cherokee

Intermarried citizen No

Married under what law Tribal Date of marriage

License Certificate

Wife's name Lucy

District COOWEESCOOWEE. Year 1896 Page 336 No. 729

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: COOWEESCOOWEE

	Dist.	Year	Page	No.	Age
3 Mary A. Guthrie			343	197	16
4 Robert G. "			343	[illegible]	4

I hereby certify that I took the above and foregoing statements of Jacob Guthrie, under oath.

STATE OF MISSOURI, }
COUNTY OF JACKSON, } ss.

17

I, M. R. GOSSETT, Recorder of Deeds within and for the County of Jackson aforesaid, do hereby certify that the above and foregoing is a full, true and complete copy of the Marriage License and Certificate of Marriage of Jacob Guthrie to Dora Selby acknowledgment and note of Record thereon as the same appears of Record in my office in Book Series B 3 Page 429 and following.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office, at Kansas City, Mo., this 5th day of Nov A. D. 1900.

M. R. Gossett RECORDER.

By C. H. M[illegible] DEPUTY.

POLICE ARREST AND DETAIN COMMUNISTS

THE POLICEMEN WERE ARMED BY THE PARTY

[illegible]

[illegible]

[illegible]

wyz

Cherokee D 585

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory for final consideration on the 5th day of March,1902, and that he could on said date appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified to supply the Commission with a certificate of his marriage to his present wife, Dora.

Receipt has been acknowledged of the Commission's letter, and the applicant having been called three times, and failing to respond either in person or by attorney it is directed that the case be closed and that same be reported to the Commission for final decision, based upon the evidence now of record.

N.D.Green, hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

N D Green

10 585

FILED
JUN 4 1902

License To Marry

State of Missouri }
County of Jackson } ss

Office of Recorder of Deeds at Kansas City Mo.

To any Judge, Judge of a County Court Justice of the Peace or any Licensed or ordained Preacher of the Gospel Greeting:
The provisions of the act entitled "An Act in Relation to Marriage and Marriage License" approved March 26th 1881 having been satisfactorily complied with you are hereby authorized to join in matrimony Mr Jacob Guthrie over 21 years of age of the County of Jackson and State of Missouri and Miss Dora Selby over 18 years of age of the County of Jackson and State of Missouri.
Witness my hand and seal of office at Kansas City Mo this 28th day of August A.D. 1883.

(L.S.) Chas D Lucas Recorder of Deeds

State of Missouri }
County of Jackson } ss This is To Certify that by virtue of the authority of the foregoing License I did on the 29" day of August A.D. 1883 in said County and State unite in marriage the said Jacob Guthrie and Dora Selby Given under my hand this 29" day of August A.D. 1883.

Ed M. Gantis
Min of Gospel

Filed for record and duly recorded in my office on this 29" day of August A.D. 1883.

Chas D. Lucas Recorder
By F. A. Pott Deputy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application for the enrollment of Dora Guthrie, et al., as citizens of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

DORA GUTHRIE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Dora Guthrie.
Q How old are you, Mrs. Guthrie? A Thirty-eight.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your husband's name? A Jacob Guthrie.
Q Is he living at this time? A Yes, sir.
Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your husband, Jacob Guthrie? A '83.
Q Had he ever been married prior to his marriage to you? A No, sir.
Q You're his first wife? A Yes, sir.
Q Had you ever been married prior to your marriage to him?
A No, sir.
Q Have you and Mr. Guthrie lived together as husband and wife all the time since your marriage up to the present time? A Yes, sir.
Q You have never been separated? A No, sir.
Q You and he were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time, Mrs. Guthrie, since '83 up to the present time? A Not all the time.
Q How much of the time have you lived in the Cherokee Nation?
A I suppose a third, back and forth.
Q Do you know when you first left the Cherokee Nation after you were married? A I will have to explain that. We have never lived there all the time; we just come back and forth to the home place.
Q Where di you go when you went out of the Cherokee Nation?
A To Coffeyville.
Q When did you first go? A In '83. We go there and come back. We have furnished rooms, and go there to school the children.
Q You have a place in the Indian Territory? A Yes, sir.
Q Keep house over there? A Yes, sir, we have our furniture in our rooms at the farm.
Q How much of the year do you spend on the farm? A I could hardly tell you; we go down there and stay for a day or two or a week.
Q When Mr. Guthrie has work to attend to? A Yes, sir.
Q You keep house in Coffeyville? A Yes, sir, I have a home in Coffeyville.
Q You have been keeping house in Coffeyville nearly ever since your marriage, have you not? A Yes, sir.
Q And you reserve a couple of rooms or three on the farm?
A Just one.
Q And have your furniture in it? A Yes, sir.
Q And when he has any business at the farm you sometimes go with Mr. Guthrie to the farm and stay while he attends to his business?
A Yes, sir, Mr. Guthrie is there a great part of the time.

Q And when you get through you go back to Coffeyville? A Yes, sir.
Q And you have lived principally in that way since your marriage to Mr. Guthrie? A Yes, sir, we have lived that way ever since we were married.
Q You and Mr. Guthrie have never kept house yourselves in the Indian Territory, have you, since your marriage? A No, sir.
Q How many children have you? A Two.
Q Two children? A Yes, sir.
Q And you stated you stayed in Coffeyville for the purpose of schooling those children? A Yes, sir.
Q You had no children when you first went to Coffeyville? A No, sir.
Q Went there before the children were born? A Yes, sir.
Q And, as I understand you, you kept a residence in Coffeyville from the time you first went there, shortly after your marriage, up to the present time? A I had a home myself there, and Mr. Guthrie owns no property in Coffeyville.
Q The home is yours? A The home is mine.
Q But you kept house there since your marriage all the time?
Q Yes, sir.
Q And you also had one room furnished down on Mr. Guthrie's farm in the Cherokee Nation? A Yes, sir.
Q And sometimes you would go over there and stay a few weeks and he would attend to his business? A Yes, sir.
Q Have you ever stayed as much as six months at any one time down on the farm with Mr. Guthrie since your marriage? A No, sir.
Q Have you ever stayed as much as four months at any one time down there on the farm since your marriage? A I have not.
Q Have you ever stayed as much as two months down there on the farm in the Cherokee Nation since your marriage? A No, sir.
Q How long do you think is the longest time you ever spent there at any one time since your marriage to Mr. Guthrie? A Well, I don't know that. I could not tell just exactly, but not to exceed a week. A few days at a time, back and forth maybe two or three times during the week.
Q Mr. Guthrie has a farm within a few miles of Coffeyville?
A Yes, sir, just a short distance.
Q And he would go down on the farm and stay a few days and then come back home to Coffeyville? A Yes, sir.
Q Has he got any business there in Coffeyville? A No, sir.
Q Has he ever been in business in Coffeyville? A No, sir.
Q Now, what has been said with reference to your residence, is true of your children since their birth, is it? A Yes, sir.
Q They have always lived with you? A Yes, sir, they live with me.
Q And Mr. Guthrie's home since your marriage has been your home, has it? A Yes, sir.
Q You and he have never separated? A Oh, no.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and swern to before me this 28th day of October, 1908.

Notary Public.

Cherokee 1 Sec

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Guthrie and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood:

D E C I S I

The record in this case shows that on October 15, 1902, Jacob Guthrie appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood. The application also included Dora Guthrie, wife of said Jacob Guthrie, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of persons claiming right to enrollment as such not being fixed at this time, the said Dora Guthrie is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 28, 1902.

The evidence shows that the applicant, Jacob Guthrie, is of Shawnee blood and that the applicants, Wade A. and Robert G. Guthrie, are the minor children of the said Jacob Guthrie. The said Jacob Guthrie is duly identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as an adopted Shawnee. The said Wade A. and Robert G. Guthrie are duly identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the applicant, Jacob Guthrie, has been residing with his family in Coffeyville, Kansas, since 1883 and that during all of said time has owned improvements in the Cherokee Nation and spent most of his time working on his farm in said nation; that he has never voted nor exercised any rights of citizenship outside of said nation.

The residence of the minor applicants herein has been the same as that of their father, the said Jacob Guthrie.

[illegible]

It is, therefore, the opinion of this Committee, following the decision of the Department in the case of Joseph D. Vaughn et al., [illegible] (I. T. D. [illegible]), that the said Jack Guthrie, Nell A. Guthrie and Robert S. Guthrie should be enrolled as citizens of the Cherokee Nation of Sharon Wood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1902

(COPY)

Muskogee, Indian Territory, May 21, 1902.

Mr. Jacob Gutarie,

Coffeyville, Kansas.

Sir:

In the matter of the application for the enrollment of yourself, wife, and children as citizens of the Cherokee Nation you have neglected to furnish the Commission with a certificate of your marriage to your wife, Dora.

You are required to supply the Commission with this document before June 5, 1902. This evidence is very important in the further consideration of your case.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D 585
Register.

(COpy).

Coffeyville, Kansas. June 4, 1902.

The Hon. Com. To t e Five Civilized Tribes,

Muskogee, I. T.

Gentlemen.

You will notice in my marriage license sent you a few days ago, that my residence was given as Jackson Co. Mo., which was a mistake as I was at that time and had been for years before that, living on my ranch in the Cherok e Nation, I. T.

I can give any proof desired to this ef ect by both state and Territory citizens.

Very Respectfully yours,

Jacob Guthrie.

COPY.

Cherokee D-588

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jacob Guthrie for the enrollment of himself and his two minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Enc. D-22

(COPY)

Cherokee D-585

Muskogee, Indian Territory, October 12, 1903.

Jacob Guthrie,

Coffeyville, Kansas.

Dear sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your two minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-96

Register.

Cher 10329

Henry G. Starr

Trans. from D641

Cher 10329

(COPY)

Doubtful as to husband, Constantine N. Walker.
Doubtful as to child, Henry G. Starr.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nowata, I. T. October 8, 1900.

IN THE MATTER OF THE APPLICATION OF MARY E WALKER for the enrollment of herself, husband and child as Cherokee citizens;

Being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Mary E. Walker
Q How old are you? A 51.
Q What is your postoffice? A Tulsa, Indian Territory.
Q Do you live in Cooweescoowee District? A Yes sir.
Q Who is it you want to have put on the roll? A My husband and son and myself.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your hasband? A My husband is a white man.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Give me the name of your father? A Sterling Scott.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A My mother's maiden name was Jane Woodard.
Q Is she dead? A Yes sir.
Q Give me the name of your husband? A Constantine N. Walker.
Q How old is hex ? A He is nearly 40 years old.
Q Have you his license and certificate of marriage? A No sir, the Clerk of the Court married us, but he never give us no certificate.
Q When were you married? A In 1886.
Q You were married previous to your marriage to this husband? A Yes sir.
Q Was your former husband dead? A Yes sir.
Q Was he married previous to his marriage to you? A No sir.
Q You were married only once before? A That's all.
Q Has this husband lived with you and been in the Cherokee Nation ever since he married you in 1886? A Yes sir.
Q Did he get out a Cherokee license? A Yes sir.
Q Where were you married? A At Ft. Gibson.
Q I suppose that is a matter of record at Tahlequah? A I sent there and it cannot be found, but the clerk that married us is still alive, R. M. Walker.
Q Has your husband got a receipt for the money he paid the clerk for the license? A No sir, he hasn't, he paid him $10.00.
Q Give me the name of your child? A Henry G. Starr. He is my first husband's child. Me and Walker have no childreHis age is 26.
Q He must apply for himself. He is not here, he is in the penitentiary.
Q How long does his term still last in the penitentiary. A 13 years
Q Where is he confined? A Columbus, Ohio.
Q He is living at this time? A Yes sir.

1880 roll, page 587, No. 1848, Mary E. Starr, Illinois Dist., native Cherokee.
1880 roll, page 587, No. 1851, Henry Starr ,Illinois Dist., native Cherokee.
1896 roll, page 285, No. 6268, Mary E. Walker, Cooweescoowee
1896 roll, page 330, No. 1089, as Constine N. Walker "
1896 roll, page 289, No. 4526, Henry Starr "

Com'r Breckinridge. The applicant applies for the enrollment of herself, her husband and one child; she is identified on the rolls of 1880 and 1886 as a native Cherokee; she has lived in the Cherokee Nation all her live, and she will be listed now for enrollment as a Cherokee by blood.

She states that her husband married her in 1886, after the death of her first husband, and that he was never married before; she claims that they were married under Cherokee license and in accordance with Cherokee laws, but is unable to produce official evidence at this time; he has lived with her ever since their marriage, and is identified with her on the roll of 1896; he will be classed now as a Cherokee by intermarriage, and his application will be placed upon a doubtful card for further evidence of his having been married to his wife in accordance with Cherokee laws.

The applicant's son, Henry G. Starr, is her child by a former husband; he is in prison at Columbus, Ohio, and is unable to apply for himself. He is identified on the rolls of 1880 and 1896; he is said to be living at this time; for the consultation of the official records, if it is desired, the application for his enrollment will be placed upon a doubtful card, he being classed as a Cherokee by blood.

(Signed) M

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 19th day of October, 1900.

(Signed) C. R. Breckinridge,
Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this 27 day of January, 1904.

[illegible]
Notary Public.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 15, 1902.

Name Constantine N. Walker, Tulsa, I.T.

District Coweescoowee Year 1896 Page 330 No. 1089

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage 1886

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Henry G. Starr	Dist. Illinois	Year 1880	Page 587	No. 1857	Age 26
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 On 1896 roll as Constine N. Walker

2 " 1880 " " Henry Starr

Evidence of Cherokee marriage to be supplied.

[illegible] in the matter of the enrollment of [illegible] A. VALDEZ, ET AL. , as citizens of the Cherokee Nation:

The applicant was notified by registered letter February [illegible], 1902, that his application for the enrollment of himself and his stepchild, Henry G. Starr, as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902; and that he might on said day appear before the Commission either in person or by attorney and introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: [illegible]th day of March, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.

J.O.R.

Commissioner.

Supl.-C.B.#41.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CONSTANTINE E. VALENE, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself and his stepchild, Henry O. Starr, as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; and that he might on said day appear before the Commission either in person or by attorney and introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.

Commissioner.

J.G.R.

State of Ohio
ss
Franklin Co.

Personally appeared before me, a Notary Public within and for the County and State above named, William N. Darby, Warden of the Ohio Penitentiary, who declares that Henry Starr is an inmate of the Ohio Penitentiary, serving a sentence of thirteen years and eight days, having been received January 26, 1898 from the District Court of the United States for the Western District of Arkansas.

Wm. N. Darby,

Warden Ohio Penitentiary

Sworn to and subscribed in my presence this 26th day of November, A.D., 1900.

Malcolm A. Karshner,
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I.T., May 14, 1902.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Mary R. Walker, et. al. as citizens of the Cherokee Nation.

C. L. Mulvey

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 27, 1902.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Appearances:
Applicant appears by Wm. M. Cravens, Esq., Muskogee, I.T.
Cherokee Nation by W. W. Hastings, Esq.

R. M. Walker, called as a witness on behalf of the applicant, being duly sworn and examined, testified as follows:

Examined by Wm. M. Cravens.

Q Mr. Walker, you are a Cherokee by blood? A Yes sir.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Were you ever an officer or clerk of the Illinois District of that Cherokee Nation? A Yes sir.
Q When? A Along in the '80's I believe I was clerk several times.
Q Do you know this applicant, Constantine N. Walker? A Yes sir.
Q Is he married? A Yes sir, he married Mary Starr, widow of Tom Starr. I was clerk of the Court at the time.
Q Clerk of what Court? A Clerk of the District and Circuit Court for the Illinois District.
Q You say he married Mrs. Mary E. Starr? A Yes sir.
Q What was her blood? A She is a Cherokee.
Q Who married them? A I performed the ceremony.
Q Was it under Cherokeelaw? A Yes sir.
Q License was issued by whom? A I issued the license.
Q As Clerk you issued the license? A Yes sir.
Q Having issued the license, you married them under Cherokee Law? A Yes sir.
Q When was that? A In the '80's and I think possibly in 1886; somethere along there. I suppose his license is in the Clerks office now among the papers. He gave in his application in accordance with the law and I married them.
Q In accordance with Cherokee law? A Yes sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this July 7, 1902.

(Signed) P. S. Reuter,
Notary Public.

(SEAL)

I, the undersigned, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and correct copy of the original transcript.

Mary [illegible]

Constantine N. Walker ---2

Subscribed and sworn to before me this 27 day of January, 1904.

Notary Public.

T -

EXECUTIVE DEPARTMENT.

Cherokee Nation,

Tahlequah, Indian Territory

I, J. T. Parks, Executive Secretary of the Cherokee Nation, do hereby certify that the Marriage Records of Illinois District are on file in this office and that I am custodian of the same; that I have made careful examination of said records and I am unable to find the record of a marriage between Constantine K. Walker and Mary E. Scott recorded therein.

This 6th. day of June 1902.

J. T. Parks,

Executive Secretary.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Mary E. Walker. R 641.

P. Check

(COPY)

On this, the 18th day of December ,1902, personally appeared A. E. Boggs, who being duly sworn and of lawful age, makes the following affidavit and statement, to-wit: On or about the 27th of April, 1902, C. N. Walker went away from home and left his wife Mary E. Walker and has never been back to live with her since.

(Signed) A. E. Boggs.

Tulsa, I.T. Western District, I.T.

Subscribed and acknowledged to before me this the 18th day of Dec., 1902.

(Signed) Robert E. Lynch, Not.Pub

Com. Ex. 7/3/1904.

MH

(COPY)

On this the 18th day of December, 1902, personally appeared before me, Robert E. Lynch, a notary public, Miss Mittie Gibson, being duly sworn and of lawful age, on oath makes following statement, to-wit:

I am personally acquainted with C. N. Walker and know that he left Mrs. Mary E. Walker, his wife, last Spring and has never lived with her since.

(Signed) Miss Mittie Gibson.

Tulsa, I.T., Western District, I T.

Subscribed and acknowledged before me this the 18th day of Dec., 1902.

(Signed) Robert E. Lynch, Not. Pub.

Com. Ex. 2/3/1906.

Mi

(COPY)

AAD .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, Indian Territory, January 30, 1903.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER for the enrollment of himself as a citizen by intermarriage and his step-son, Henry G. Starr, as a citizen by blood of the Cherokee Nation.

Supplemental to Cherokee D. 641.

Henry G. Starr, being duly sworn, testified as follows:

Examination by the Commission:
Q State your name? A Henry G. Starr.
Q How old are you? A 29.
Q What is your postoffice address? A Tulsa, Indian Territory.
Q Are you a Cherokee by blood? A Yes sir.
Q You are the same Henry G. Starr whose name appears on the roll of 1880 in Illinois District? A Yes sir.
Q How long have you resided in the Cherokee Nation? A I have resided there all my life except the last nine years and a half; I was in Ft. Smith, Ark., and Columbus, Ohio.
Q You resided in the Cherokee Nation until you went to Ft. Smith,
A Yes sir, four years there and five years in Columbus, Ohio.
Q You were then in prison? A Yes sir.
Q With the exception of the time you were in prison, you have been a resident of the Cherokee Nation all your life? A Yes sir.

Jesse O. Carron oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 18th day of April, 1903.

(Signed.) Samuel Foreman,
Notary Public.

I, the undersigned, on oath state that as stenographer to the Commission to the Five Civilized Tribes, that I made the foregoing copy and that the same is a true and correct copy of the original transcript.

Mary Hulsa

Subscribed and sworn to before me this 27 day of January, 1904.

J. Foreman
Notary Public.

(COPY)

Suppl. to D. 641.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., February 26, 1903.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER FOR the enrollment of himself as a citizen by intermarriage, and his step-son, Henry G. Starr, as a citizen by blood of the Cherokee Nation.

The Commission.

The Cherokee Nation makes proof of service of notice upon the applicant, Constantine N. Walker, received by him on February 23, 1903, as evidenced by the return registry receipt, that testimony would be introduced in behalf of the Cherokee Nation at Vinita, I.T. on February 26, 1903, at 8 o'clock A.M.

Now on this 26th day of February, 1903, at 11 o'clock A.M. applicant is called three times and fails to appear either in person or by attorney.

On motion, the Cherokee Nation is permitted to introduce testimony as follows:

Mary E. Walker, being first duly sworn and examined, testified as follows:

Examination by J. C. Starr.

Q State your name? A Mary E. Walker.
Q What is your age? A 53.
Q What is your postoffice? A Tulsa.
Q Are you acquainted with Constanting N. Walker, the applicant?
A Yes sir.
Q Are you his wife? A Yes sir.
Q When were you married to him? A We was married in 1886, Nov. 5.
Q Are you living with him as his wife at this time? A No sir.
Q When did you separate? A The 27 day of last April.
Q Where were you living when you separated? A At Tulsa.
Q Were you living in a home of your own? A No sir, living in a rented house, keeping hotel.
Q Did you leave him or did he leave you? A He left me.
Q Where did he go? A He went to Claremore, Chelsea and around horse racing.
Q You know where he is now? A I dont know only what I heard from others. I heard from others that he is in the Chickasaw Nation.
Q Mrs. Walker, what were the causes of this separation? A Why he wanted to run the house and he didnt know anything about it and I wasnt willing for him to run the house because he didnt know nothing about it, and we couldnt do anything as long as he undertook to run it. I was willing for him to do the outside work, but I wasnt willing for him to run the house. He told me he would leave me if he couldnt run the house and do business. I told him all right if he wasnt willing that I should do my own business he could leave and he left.
Q Did you know at the time he was leaving that you were separating?
A Yes sir.
Q You were willing for him to run his affairs on the outside of the house? A Yes sir; he was gone off horse racing for months at a time for years before, and would come home broke and sit around a while until he could get some money, and then he would go off again.
Q Has he contributed anything to your support since the separation?
A Not a cent.

Examined by the Commission:

Q When did you say this separation took place? A 27th of last April.
Q Have you been divorced? A No sir.
Q Is there no suit pending? A No sir, I intend to get a divorce but I haven't applied yet.
Q You don't know where he has been living since that time?
A At no particular place, just around the country running horses.
Q Was that the only trouble between you ? A That was the only particular trouble.
Q He wanted to have his own way? A Yes sir. I was willing for him to have his own way in matters outside of the house, but I was wanting to run the house.
Q He said he was going to go? A Yes sir, he said if he couldn't run the place he would leave it; and I wouldn't beg any man to live with me.
Q Have you heard from him since he went away? A Nosir, not direct; I heard from him through others; he writes to others and they tell me.
Q You never correspond with him? A No sir.
Q You never give him any cause to leave you did you? A No sir, if I did I don't know what it was.

MITTIE GIBSON, being firstduly sworn and examined, testified as follows:

Examined by J. C. Starr:

Q What is your name? A Mittie Gibson.
Q What is your age? A 18 .
Q What is your postoffice? A Tulsa.
Q How long have you lived at Tulsa? A Seven years.
Q Were you living in Tulsa when Constantine Walker and his wife separated? A Yes sir.
Q How far were you living from Mrs. Walker at the time of this separation? A Just about a block I guess, about half a block.
Q Have you worked for Mrs. Walker before that time and since?
A Yes sir.
Q Were you working for Mrs. Walker at that time? A Yes sir.
Q Who did the leaving? A Mr. Walker.
Q Where did he go? A He went to Chelsea and Nowata.
Q What business was he engaged in when he left there?
A Horse racin .
Q Has he ever been back there since? A He has been back there, but he has never been back there to the house, he has been in town, but he has never been to the house.
Q Do you know where Mr. Walker is now? A No sir .
Q Did Mrs. Walker continue to reside at the place where she was living at that time since the separation? A Yes sir.
Q She lives there yet? A Yes sir.
Q And has continuously since Mr. Walker left? A Yes sir.

Examined by the Commission:

Q How long did you work for Mrs. Walker? A I worked for her pretty near three years.
Q Before the separation? A About two years off and on before that.
Q Did you ever see that there was any trouble between Mrs. Walker and her husband? A No sir.
Q Was Mr. Walker away from home a good deal? A Yes sir he was gone a good deal.
Q How much of the time would he be gone? A All the time pretty near except at meal time.

Q Would he be gone away a week or two at a time that he wouldn't be at home at all? A Yes sir.
Q Do you remember the time he left home? A I don't remember it.
Q Do you remember the occasion? A Yes sir.
Q How long did you continue to work there after that ? A I worked there pretty near a year after that.
Q Did you ever see Mr. Walker after that? A No sir.
Q Did you hear any conversation between Mrs. Walker and her husband the day he left? A No sir.
Q How did you know he was gone away? A I didn't know he was going to stay, I knowed he was going to leave.
Q But you never saw him back at that place since? A No sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this April 3, 1903.

Samuel Foreman,
Notary Public.

SEAL/

)))))))

I, the undersigned, on oath state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 27th day of January, 1904.

J Rosson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., January 31st., 1903.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER FOR THE ENROLLMENT OF HIMSELF AS A CITIZEN OF THE CHEROKEE NATION BY INTERMARRIAGE.

MOTION TO RE-OPEN CASE.

Comes now the Cherokee Nation by its representative, and respectfully represents to the Commission that the Cherokee Nation has newly discovered testimony, which came to the knowledge of the representative of the Cherokee Nation since this case was submitted to the Commission for a final decision based on the evidence that is now of record, and that said newly discovered testimony will show that on or about the 27th. day of April, 1902, the applicant, Constantine N. Walker, wilfully deserted and abandoned his Cherokee wife, Mary E. Walker; that he left her home, where she was living at that time, and where she has continued to reside, and where she is now residing, and has never been back to live with her since said time as her husband; that he went to the Chickasaw Nation and has since been engaged in the business of horse racing; that he has never contributed anything to his said wife's support since said time.

The Cherokee Nation expects to prove that this applicant is not entitled to be enrolled under Section 667, Compiled Laws of the Cherokee Nation:

"Every person who shall lawfully marry under the provisions "of this Act, and afterwards abandon his wife, shall thereby for-"feit every right and privilege of citizenship in this Nation".

In support of this motion the Cherokee Nation expects to prove by Mittie Gibson, A. N. Boggs, Mary E. Walker and others, the facts has hereinabove set forth, and there is attached to the original motion three affidavits in support of same.

Therefore, the Cherokee Nation moves that this case be re-opened and set down for further hearing at a convenient date at Vinita, Indian Territory, in order that the Cherokee Nation be afforded an opportunity to disprove the applicant's right to be enrolled as a citizen of the Cherokee Nation. This motion is not made for the purposes of delay, but in order that justice might be done.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee D #641

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry G. Starr as a citizen by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on October 19, 1900, Mary E. Walker appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and son, Henry G. Starr, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Constantine N. Walker, as a citizen by intermarriage of the Cherokee Nation; but the status of persons claiming right to enrollment as citizens by intermarriage of the Cherokee Nation not being fixed at this time, the said Constantine N. Walker is not embraced in this decision. The said Mary E. Walker is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 27, 1902, and at Vinita, Indian Territory, January 30, 1903.

The evidence herein shows that Henry G. Starr is identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 census roll of said nation as a native Cherokee.

The evidence further shows that the said Henry G. Starr has continuously resided in the Cherokee Nation since birth, with the exception of several years during which time he was in prison.

It is, therefore, the opinion of this Commission that Henry G. Starr should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Breckinridge
Commissioner.

W E Harmon
Commissioner.

Muskogee, Indian Territory,
SEP 18 [illegible]

(COPY)

Cherokee D-641.

Muskogee, Indian Territory, November 19,1902

Wm. M. Cravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 16 enclosing a letter from C. N. Walker relative to his failure to appear before the Commission prior to October 21, 1902, and give testimony in the matter of his application for enrollment as a citizen of the Cherokee Nation. He asks what he shall do now.

In reply you are advised that this person should appear before the Commission at its offices at Muskogee, Indian Territory, at the earliest possible day, when testimony as called for in the Commission's recent notice to him will be taken.

Respectfully,

Commissioner in Charge

MH

(COPY)

Tulsa ,I.T.,
Dec. 17, 1902.

Mr. W. W. Hastings,

Dear Sir and friend you asked me when C. N. Walker and I separated he left me the 27 of last April hasnt supported for more than 2 years.

Youes Respt

(Signed) Mary E. Walker.

Subscribed and acknowledged to before me this the 17th day of Dec., 1902.

(Signed) Robert E. Lynch, Not. Pub.

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(COPY)

Cherokee D-641

Vinita, Indian Territory, January 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I respectfully request to be advised if there is on file in the office at Muskogee, with the application of Constantine N. Walker, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-641, a motion made on behalf of the attorney for the Cherokee Nation, to reopen this case.

The original jacket in this case is in this office, but the original record in the case is in the office at Muskogee attached to a decision heretofore prepared as to the rights of these applicants to enrollment.

Respectfully,

Clerk in Charge

RP

MH

Cherokee [illegible].

Vinita, Indian Territory, January 26, 1903.

Constantine E. Walker,

Tulsa, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for enrollment as a citizen of the Cherokee Nation will be complete, it will be necessary that you introduce further testimony showing your right to enrollment on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation. You should also introduce testimony as to the residence of your alleged husband, Henry Starr, prior to the date when he was sentenced to the penitentiary.

This testimony should be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 13, 1903, and when you appear for the purpose of giving this testimony, you are requested to present this letter.

Respectfully,

Acting Commissioner.

[illegible]

(COPY)

Cherokee D-641.

Vinita, Indian Territory, February 3, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith motion made by the attorney for the Cherokee Nation to reopen, for the purpose of taking additional testimony, the application of Constantine N. Walker for enrollment as a citizen by intermarriage of the Cherokee Nation.

The original jacket and records in this case are also transmitted herewith.

Henry G. Starr, who is also included in this application, has recently appeared in person before the Commission and given additional testimony as to his residence. This testimony will be forwarded to the general office as soon as it is transcribed.

Respectfully;

Clerk in Charge.

Encl-S-61
GRS.

MH

(COPY)

Cherokee D-641.

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that your motion to reopen, for the purpose of taking further testimony, the application of Constantine N. Walker et al, Cherokee D-641, has been granted by this Commission.

Any testimony which you may have tending to disprove the right of this applicant for enrollment as a citizen of the Cherokee Nation can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 28, 1903.

You will be required to give the applicant in this case due notice of the time, and place at which this testimony will be introduced.

Respectfully,

Acting Chairman.

MMG.

(COPY)

Cherokee D-641

Muskogee, Indian Territory, April 16, 1903.

Constantine N. Walker,

Chelsea, Indian Territory.

Dear Madam:

As per request of some days ago, there is enclosed you herewith a copy of the testimony given February 26, 1903, by Mary E. Walker in the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Chairman.

Encl-S-59
GRS.

MH

(COPY)

Cherokee D-641.

Muskogee, Indian Territory, April 18, 1903.

Constantine N. Walker,

Tulsa, Indian Territory.

Dear Sir:

As per your request of some days ago, there is enclosed you herewith a copy of the testimony of Mary E. Walker, taken by this Commission on February 26, 1903, in the matter of your application for enrollment as a citizen of the Cherokee Nation.

Respectfully,

Chairman.

Encl-S-119
ORS.

MH

(COPY)

Cherokee D-641.

Tahlequah, Indian Territory, May 6, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted for decision, the record, which is now deemed complete, in the matter of the application of Constantine N. Walker et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-641.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. R-28.

MH

COPY.

Cherokee D-641

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Henry G. Starr as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-22

(COPY)

Cherokee D-641

Muskogee, Indian Territory, October 12, 1903.

Mary E. Walker,

Tulsa, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your son, Henry G. Starr, as a citizen by blood of the Cherokee Nation.

Respectfully,

(Signed) Tams Bixby,

Chairman.

Enc. D-90
Register.

MH

Cher 10330

Alexander G. Ward

Trans. from D 711

Cher 10330

[illegible] divorce
[illegible] years
[illegible] contract a le-
gal [illegible] or [illegible] married
full marriage, unless [illegible] of marriage the
[illegible] common [illegible] relation of his
wife, who [illegible] will be placed
on a doubtful card, [illegible] of the legality
of the present marriage.

[illegible] child [illegible] born,
to whom [illegible] on the
roll of [illegible] rights at
this time [illegible] the [illegible] child,
Jesse P. [illegible] is rejected.

Of the [illegible] children who [illegible] present marriage,
[illegible] living
now. [illegible] George, Roode [illegible], [illegible] William [illegible] Ford:
[illegible] unless the applicant [illegible] legally married
[illegible] present wife, who [illegible] present: therefore, the appli-
cation for their enrollment at this time will be placed on a
doubtful card, not being classed as Cherokees by blood.

When a certificate is filed [illegible] commission of the birth of
the youngest child, Joe W. Ford, the child of the present
marriage, this child will [illegible] on a doubtful card, as a
Cherokee by blood.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMORE, I. T., OCTOBER 23rd, 1900.

IN THE MATTER OF THE APPLICATION OF Alexander G. Ward for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, W. R. Breckinridge, testified as follows:

Q What is your full name? A Alexander G. Ward.
Q How old are you? A Born in 1847: I think I am fifty nine years old.
Q What is your Postoffice? A Claremore.
Q In what district do you live; Coweesoowee? A Yes sir.
Q Who is it you want to have put on the rolls: Yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Six.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q White woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life; was out three years time of the war is all I ever was out.
Q What is your father's name? A G. W. Ward.
Q Is he dead or living? A Dead.
Q What is your mother's name? A Polly.
Q Is she dead or living? A Dead.
Q What is your wife's name? A Lizzie Thomas, before I married her.
Q How old is she? A Thirty.
Q When did you marry her? A In 1884.
Q Has she lived with you ever since you married her? A Yes sir.
Q Were you ever married until you married this wife? A Not to that I know of.
Q You would be likely to know, would you not? A I have lived with others, but have not been married to them.
Q What was the first woman you ever lived with: Who was she? A I forget her name.
Q When did you begin living with her? A Let me study up her name.
Q Do you remember her given name? A Carrie.
Q When did you begin living with her? A I never lived with her: I just stayed with her a week or two weeks; I am not positive.
Q When was that? A It has been thirty years ago I reckon. I am not positive.
Q You did not live with her but one week? A One or two weeks.
Q Did you call her by your name? A I guess I just took up with her.
Q Did you call her by your name? A No sir; I think I did not.
Q Did you keep house with her? A She stayed at my father's a week or two.
Q She lived there with you? A Yes sir.
Q At your father's house? A Yes sir.
Q How did you happen to separate? A She went off to Mexico, and I stayed at home: She was under age, and her parents came and got her.
Q What was the next woman you lived with? A Vina Cree: I never was married to her.
Q When did you begin living with her? A When I was a young man I do not know: I never lived with her at all.
Q Did you and she live in the same house? A No sir; I never lived with her at all.
Q Whose house did she live at? A Her daddies house a while.
Q Did you live there? A No sir.
Q What kind of "living up" are you talking about here? A Staying with a woman I guess.
Q At her father's house? A No sir: I was never married to her.

Q Do you mean to say then that you mention this connection with this woman you had, if you were living with her in a secret and unknown manner? A Yes sir.
Q Why do you feel bound to mention this in your application: You state that in answer to my inquiry as to your marriage? A I said I never did know that I was married but once: I have one lawful wife.
Q You spoke of having one child by another woman besides your wife? A Yes sir; I have.
Q Who was the mother of this child? A Vina Ora.
Q And you never lived with her openly at all? A No sir.
Q Yet you feel bound to acknowledge that as your child?
A She brought the child, and swore it was my child: She brought the child when it was a sucking child, and laid it on the bed, and left it, and said it was mine.
Q Did you ever get a divorce from your first wife, Carrie?
A No sir.
Q Give me the names of your children? A One is named Jesse D.
Q How old is that child? A It is on here - handing paper to Commissioner - you can see.
Q Born in 1868? A Yes sir.
Q Fifteen years old? A Yes sir.
Q Is that the child of your present wife? A No sir.
Q Who is that child by? A Vina Ora.
Q The next child is named Lucy? A Yes sir; Lucy Frances.
Q She was born in 1868? A Yes sir.
Q Fifteen years old? A Yes sir.
Q The next child is named George? A Yes sir.
Q Thirteen years old? A Yes sir.
Q What is the name of the next child? A Roxie Myrtle.
Q Eleven years old? A Yes sir.
Q Then William? A William Marion.
Q He is nine years old? A Yes sir.
Q Then Joe M. A Yes sir.
Q Two years old? A Yes sir.
Q These children are all living now, are they? A Yes sir.
Q What ever became of your wife, Carrie? A She went to Mexico.
Q When did you hear from her last? A I never heard from her.
Q You do not know whether she is dead or living? A My brother told me he heard she had died.
Q How old was she? A She was thirteen years old I think: We just stayed together two weeks.
Q Why are you not on the roll of 1880? A I am on it I guess.
Q Was your father living then? A Yes sir.
Q What district were you in then? A Going Snake I reckon. Tom Alberty put my name on the 1880 Roll.
Q Why was your name put down as Alice: They just made a mistake: I was talking to Tom about it a while back.
Q Was your mother dead in 1880? A She died when I was a baby.
(1880 Roll, Page 193, #2069, Alice Ward, Going Snake District - marked "Female".)
(1896 Roll, Page 279, #2066, Alex G. Ward, Geo. District)
(1896 Roll, Page 330, #1105, Elizabeth Ward, Geo. District)
(1896 Roll, Page 279, #2067, Lucy F. Ward, Geo. District)
(1896 Roll, Page 279, #2068, George Ward, Geo. District)
(1896 Roll, Page 279, #2069, Roxie M. Ward, Geo. District)
(1896 Roll, Page 279, #2070, Wm. L. Ward, Geo. District)
Q These children are all living now, are they? A Yes sir.
Q Who was this woman, Vina Ora? Was she a white woman? A Yes sir.

The applicant applies for the enrollment of himself, his wife, and six children. That is supposed to be is identified on the roll of 1880 is under the name of Alice, and as a female. He states that he has lived in the Cherokee Nation all his life, and he is identified on the roll of 1880, under the name of Alice, as a

native Cherokee: He will be classed as a Cherokee by blood, but his application for enrollment will be placed on a doubtful card, for consideration of his testimony by the roll of 1880. He states that he was married to his present wife in 1884: She is identified with him on the roll of 1896: He states that they have lived together ever since their marriage: She is identified with their children on the roll of 1896. The applicant states that he was married first, many years ago, to a woman whose name he only gives in part: That he took her to his father's house as his wife, and that they lived there some two weeks or such a matter together, when she abandoned him: He states that she was a minor: That no divorce was ever obtained from that wife; and that he heard a few years ago that she was dead: It seems that he could not contract a lawful marriage, unless that wife was dead, or he had been divorced from her, after forming a relation and assumption of marriage took between them: Therefore, the application for the enrollment of his wife, who will be classed as a Cherokee by adoption, will be placed on a doubtful card, for the further consideration of the legality of his present marriage.

He states that the child, Jesse B. is the child of a white woman, to whom he was never married: This child is not identified on the roll of 1896, and can not be classed as having Cherokee rights at this time; and the application for the enrollment of this child, Jesse B. Ward, is rejected.

Of the five remaining children who are of the present marriage, the first four are identified on the roll of 1896: They are living now. These are Lucy F., George, Emmie M., and William M. Ward:

They possess no rights unless the applicant was lawfully married to his present wife, who is a white woman: Therefore, the application for their enrollment at this time will be placed on a doubtful card, they being classed as Cherokees by blood.

When a certificate is filed with the Commission of the birth of the youngest child, Joe M. Ward, also the child of the present marriage, this child will be placed upon a doubtful card, as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A A Crawford

Subscribed and sworn to before me this 23rd day of October, 1900.

[illegible]

CLERK [illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
(1880)

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 23 1900 1900.

1 Name Alexander P. Ward Clarence A.

District Tahlequah Year Page 492 No. 2039

Citizen by blood Yes Mother's citizenship Geo. W. Ward

Intermarried citizen No

Married under what law Date of marriage

License Certificate

2 Wife's name Lizzie Ward, Jr., Frances

COOWEESCOOWEE

District Year Page 330 No. 1105

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Names of Children:

3 Geo. W. Ward	Dist.	Year 1896	Page	No.	Age 5
4 Lucy F. "	Dist. "	Year 1896	Page 279	No. 57	Age 5
5 George "	Dist. "	Year "	Page 279	No. 3268	Age 3
6 Rosie "	Dist. "	Year "	Page 279	No. 5269	Age 11
7 William M. "	Dist. "	Year "	Page 279	No. 5270	Age 9
8 Joe T. "	Dist.	Year	Page	No.	Age 2
9	Dist.	Year	Page	No.	Age
~~Father of Applicant~~	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 Carl Ward Alice Ward

2 " Elizabeth "

3 " Mary "

8 Affidavit to be furnished

(COPY) Cherokee D-711

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Joe M. Ward (Here insert name of child), born on the 31 day of Mch, 1898

Name of Father: Alex G. Ward a citizen of the Cherokee Nation.

Name of Mother: Lizzie Ward a citizen of the Cherokee Nation.

Post-office Claremore, I. Ty.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Lizzie Ward, on oath state that I am 31 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Alex G. Ward, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 31st day of Mch 1898; that said child has been named Joe M. Ward, and is now living.

WITNESSES TO MARK: Lizzie Ward

(Must be Two Witnesses)

Subscribed and sworn to before me this 29th day of Oct. 190 0

(((SEAL))) Joe M. LaHay NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, America Montgomery, a mother of Lizzie Ward, on oath state that I attended on Mrs. Lizzie Ward, wife of Alex G. Ward on the 31st day of Mch, 1898; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named Joe M. Ward

WITNESSES TO MARK: America Montgomery

(Must be Two Witnesses)

Subscribed and sworn to before me this 29th day of Oct. 190 0

((SEAL)) Com Ex 2/27/1901 Joe M. LaHay NOTARY PUBLIC.

SUPPLEMENTAL D 711.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chelsea, I.T. November 16th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF ALEXANDER G WARD FOR THE ENROLLMENT OF HIMSELF AND FAMILY.

The said Alexander G. Ward, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please. A Alexander G. Ward.

Q How old are you? A Fifty one.

Q What is your post office? A Claremore.

Q You applied for the enrollment of yourself and family a few days ago? A Yes, sir; at Claremore.

Q Now, you want to give some additional testimony? A Yes, sir.

Q One question with you was in regard to your having been divorced from your first wife? A Yes, sir.

Q Well, what have you got to say about that? A Well, I told you I didn't know the preacher's name, nor I didn,t know her name at that time. It had been so long ago I had forgot it. Her name was Carrie McCumber.

Q Well, what else do you want to say? A I told you she came down there and she staid a while and me and her made it up to get married, and after we got married we lived together, I told you, three weeks, but I think it was a week, and the old man came down and asked me to bring her up.

Q What old man? A Her father. And I got her up there and I couldn't get her to come back, and I went after her again and she wouldn,t come back, and she stated to me that she was under age and wouldn't live with me, and she was gone off and gone six years, and I heard she was married, and I thought it was right for me to marry.

(Examination by Mr. W. W. Hastings, representative of Cherokee Nation.)

Q You heard that she was married before you married the second time? A No, the last time.

Q Well, that is the last time. You ain't been married but twice? A That is all. And the told man told me she wasn't of age and I couldn't keep her.

Q The old man you speak of is her father? A Yes, sir.

BY THE COMMISSIONER:

Q Did you think she was under age before he told you? A I didn,t know. I never asked her.

Q It didn't occur to you that she was under age until her father told you? A No, sir.

Q How long had you known this woman before you married her? A I guess it was pretty near a year.

Q Pretty near a year? A Yes, sir.

BY MR HASTINGS (Cherokee Representative)

Q Didn,t you tell me the other day she asked you to marry her? A Yes, sir.

Q She did the proposing, did she, the asking? A Yes, she asked me to have her.

Witness excused.

NELL C. WARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Nell C. Ward.

Q Give your age? A Forty three.

Q What is your post office? A [illegible]

Q How long have you lived inthe Cherokee Nation? A All my life, about. I have lived inTexas a little bit in time of the war.

Q Do you know Mr. Ward here? A Yes, sir; he is a half brother of mine.

Q Do you want to give any testimony in regard to his first marriage? A Well, I don,t know very much about it, only I came home from school at the time--it was in 1878--I was at school and I came home and they staid together and slept together about three days or four, and the old gentleman came down, her father came down, and asked him to fetch her up, and they went up acre ss the line where her father lived, and he went after her in a few days and she never come back. I don,t know any further than that.

(Examination by Mr. W. W. Hastings, Cherokee Representative.)

Q Do you know what became of her? A He taken her off and went to Kansas and I never seen them since only I seen part of the old folks.

Q How long was that after the marriage they went to Kansas? A The next spring.

Q That was in 1879? A Yes, sir.

Q Do you know anything about his marriage to this second wife? A Well, I don't know only just hearsay, that they have been living together. I went over to Alberty's where he took this deposition--he took depositions over there of Mrs. West--he went first place to Jack Alberty to get married and Jack was off down to Court, he was Supreme Judge at the time--and so he got the depositions andI seen them signed up.

Q Relative to a second marriage? A Yes, sir.

Q You were not present when he was married? A No, sir; I was not.

Q Do you know that he has been living with her as her husband? A Yes, sir; he has been living with her ever since.

Q Since when? A Since 1884.

Q You have known him since 1884? A Yes, sir.

Q And while you were not present at his marriage you know that he was living with her as husband and wife since that time? A Yes, sir; since 1884.

Wintens excused.

JOEL BRYANT C WARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Joel Bryant C. Ward.

Q What is your age? A Forty one.

Q What is your post office? A Foyil.

Q What district do you livein? A Coowesecowee District.

Q How long have you lived in the Cherokee Nation? A All my life except I was out a little while during the war.

Q Do you know Mr. Ward here? A Yes, sir.

Q Do you know anything about his first marriage? A No, sir; I couldn't say that I do. The news came to our house. We lived in this district here, and his father lived in Going Snake district, and by some way or other the news came out here that Alex was married. That is the only way I know about it.

Q You don,t know anything about it personally? A No, sir.

Q We are speaking now, of course, about his first marriage. A Yes, sir; I understand. You are speaking about the first wife. I don,t know anything about it.

Q Now what about his residence? A He has got a wife he lives with inthree quarters of a mile of me. Well, he has lived in a mile and a mile and a quarter of me for the last ten or twelve years and raised a family of children.

Q Do they recognized each other as husband and wife? A Yes, sir.

(EXAMINATION by Mr. W. W. Hastings, Cherokee Representative.)

Q You don't know anything about the first marriage? A No, sir; not a thing.

Witness excused.

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THE COMMISSIONER: This will go as additional testimony in the matter of the application of Alexander . Ward for the enrollment of himself and family, Card D. 711.

-------o-------

Theundersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment had at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

N. L. Millsap

Subscribed and sworn to before me this 16th day of November 1906

C. H. Breece

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment, as a citizen of the Cherokee Nation, of Joel T. Ward (Give exact name of child) born on the 29 day of December, 1900

Name of Father: Alexander Ward a citizen of the Cherokee Nation

Name of Mother: Lizzie Ward a citizen of the Cherokee Nation

Post-office Stilwell, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
[illegible] District,

I, Lizzie Ward, on oath state that I am 31 years of age and a citizen, by [illegible] of the Cherokee Nation; that I am the lawful wife of Alexander Ward, who is a citizen, by [illegible] of the Cherokee Nation; that a male (Male or Female) child was born to me on the [illegible] day of December, 1900; that said child has been named Joel T. Ward, and is now living.

WITNESSES TO MARK

Lizzie Ward

(Must be Two Witnesses)

Subscribed and sworn to before me this 3 day of [illegible], 1901.

[illegible]
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee District,

I, [illegible], a Midwife, on oath state that I attended on Mrs. Lizzie Ward, wife of Alexander Ward on the 29th day of December, 1900; that there was born to her on said date a male (Male or Female) child; that said child is now living and is said to have been named Joel T. Ward.

WITNESSES TO MARK

Annie Montgomery

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 day of [illegible], 1901.

(((SEAL)))

[illegible]
NOTARY PUBLIC.

S.E. D-711.
Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 18, 1901.

In the matter of the application of Alexander G. Ward et al. for enrollment as Cherokee citizens.

Supplemental testimony on behalf of applicant.

Appearances:
I. P. Bledsoe, agent for applicant;
J. L. Baugh, Cherokee Representative.

Alexander G. Ward, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A A. G. Ward.
Q How old are you? A 52.
Q Is your name upon the 1880 roll, Mr. Ward? A It is Alice Ward.
Mr. Bledsoe: I would like for that enrollment to be given.
Commissioner: We have got that here in the testimony once.
Q This Alice Ward upon the 1880 roll in Going Snake district is intended for you? A Yes, sir.
Q You are satisfied that there is no Alice Ward? A Not in my daddy's family; Mr. Buffington knows my father and knows there is nary a one by that name in the family.
Mr. Baugh: How old were you when the roll of 1880 was taken?
A I can't tell you.
Q About how old, were you a grown man? A Yes, I guess I was, I am 52 now.
Q Were you living with your father at the time of the enrollment? A No, sir, no my father had that done, I wasn't there.
Q Did your father have any girl at that time that was named Alice, you know? A No.
Q How many sisters and brothers did you have among your family that was living with your father at the time that the roll was taken in 1880? A Five I think.
Q Can you name them? A Yes, Yell C. Ward, Jim Ward, Francis Ward.
Q That a girl? A Yes, sir.
Q The next one? A Carrie Ward.
Q Give the next one? A Lucy Ward, Martha Ward.
Q Next one? A That is all.
Q These were the only children in your father's family at that time, besides yourself? A That is all there is, Elizabeth Ward, is all there was of the family.
Commissioner: He asked you how many of these children were alive in 1880, twenty years ago? A I believe, five I think.
Q What was your father's name? A George Ward.
Q Is he living? A No, sir.
Q When did he die? A He died about four years ago, three or four.
Q Is his name on the roll of 1880? A Yes, sir, I think so.
The 1880 authenticated roll of Cherokee citizens examined, and the following names found thereon: George Ward, 60 years of age; Alice Ward, 30 years of age; Yell Ward, 25 years of age; James Ward, 22 years of age, Francis Ward, 21 years of age; Harry Ward, 10; Carrie Ward, 6 years of age.
Q You have heard these names read, were they your brothers and sisters? A Half brothers and sisters.
Q Did you ever have an older brother than yourself? A No, sir, I think not.
Q You were the eldest son then, were you? A Yes, sir, I was.
Q You never had a sister named Alice? A No, sir.
Q How many sisters did you have? A Elizabeth Ward, Lucy Ward, Francis Ward, and Carrie Ward.
Q They were all the girls, female members of the family? A Yes, sir.
Q Were any of these girls married before 1880? A Yes, sir.
Q Which one? A I think Elizabeth Ward and Lucy Ward.
Q You have always lived in the Cherokee Nation yourself? A Yes, sir.

Q Born in the Cherokee Nation? A Yes, sir.
Q Always been recognized as a Cherokee citizen by blood? A Yes, sir.

THOMAS M. BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Thomas M. Buffington.
Q What is your age? A 46.
Q What is your postoffice? A Vinita.
Q Do you know this Alexander G. Ward? A I do.
Q How long have you known him? A I have known him 35 years I believe.
Q Do you know whether he is a recognized citizen of the Cherokee Nation or not by blood? A Yes, he is.
Q Do you know whether his name is or should be upon the 1880 roll? A Why I guess it ought to be there, he was living in that part of the country at that time.
Q Do you know the members of his family, or his father's? A I went to school with all of them except him, he was older and had quit school when I was going, but I went to school with the balance of the family at school age.
Q You were well acquainted with his father and mother? A I didn't know his mother, I was well acquainted with his father.
Q Did you know the children in that family, about how having a brother or sister rather by the name of Alice? A No.
Q Was there anyone who was a member of that family who was named Alice? A Not that I ever heard of.
Q I believe you are the Chief of the Cherokee Nation at the present time? A Yes.
Q Do you know whether Mr. Ward there is married or not? A Yes, I wasn't at his wedding, he has a wife, a woman that he claims to be his wife, I have known her about 18 years I guess.
Q You don't know any of the children? A No.

Commissioner: Now I understand you to say, Governor, that you were acquainted with Alexander Ward's family when he was a boy? A Well, you see he is some older than I am, he had quit school, or I don't know whether he ever went to school any or not, but the balance of the boys and I went to school together, and the girls that was old enough.
Q You never knew Alice at all? A No, sir.
Q Was Alexander here the oldest child? A Yes, sir, my understanding.

Mr. Baugh: Did Mr. Ward ever marry prior to the time that he married his present wife he is living with? A I don't know.
Q Well you do know though that he and his present wife have been living together as man and wife? A They lived in my neighborhood, he moved up here on Grand River from Going Snake, and lived there a year or so, and then moved out west.

Mr. Bledsoe: I would like to refer there to Sections 692 and 689 of the Compiled Laws of the Cherokee Nation.

Commissioner: This testimony will be filed and made a part of the record.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 15th day of October, 1901.

[illegible] Commissioner.

C. 2-711

[illegible]
Commission [illegible] United States,
[illegible], I. T., March 7, 1902.

[illegible] application of Alexander G. Ward for [illegible] himself, wife and children as Cherokee citizens.

Appearances:
Applicant in person and by his attorney, Joe T. Lamy, of Claremore, I. T.
[illegible] W. Hastings, [illegible] Nation.

[illegible] COMMISSION: [illegible] registered letter February 17, 1902, that [illegible] enrollment of himself wife and children as Cherokee citizens would be taken up for final consideration by the Commission in its office in Muskogee, Indian Territory, on the 7th day of March, 1902. Applicant this day, to-wit: the 7th day of March, 1902, appears by his attorney, Joe T. Lamy, and [illegible].

The attorney for the applicant [illegible] representative of the Cherokee Nation [illegible] case, same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

[illegible] The attorney for the applicant requests and will be granted 30 days in which to file a brief in the case, one copy with the Commissioner and one copy with the representative of the Cherokee Nation.

RD 11

N

C. D-711

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Alexander G. Ward for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
Applicant in person and by his attorney, Joe M. Lahay, of Claremore, I. T.;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17,1902, that his application for the enrollment of himself wife and children as Cherokee citizens would be taken up for final consideration by the Commissionat its offices in Muskogee, Indian territory on the 7th day of March,1902. Applicant this day, to-wit: the 7th day of March,1902, appears by his attorney, Joe M. Lahay, and in person.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file abrief in the case, one copy with the Commissioner and one copy with the representative of the Cherokee nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cher- D-Y17.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of [illegible]
as a citizen by intermarriage of [illegible]
roll[illegible] of her husband [illegible]
George, Susie [illegible]
of the Cherokee nation.

Susie Ward, called as a witness, [illegible]
Commission, testified as follows:

Q What is your name? A Susie Ward.
Q How old are you? A [illegible]
Q What is your post-office address? [illegible]
Q Are you a white woman? [illegible]
Q Are you claiming the right [illegible] citizen of the Cherokee nation [illegible]
Q What is your husband's name? A Ward.
Is he a Cherokee by blood? [illegible]
Q How long have you lived in the Cherokee nation? [illegible]
Q Has he lived in the Cherokee nation all this time? [illegible]
Q When were you married to Mr. Ward? [illegible]
Q Is he your first husband? [illegible]
Q Are you his first wife? [illegible]
Q He had been married before [illegible]
Q What was the name [illegible]
Q In the fall of [illegible]
Q Was she dead when you married him? [illegible] I don't know; [illegible] never seen anything about it for six years.
Q Has anyone tried to find out anything about her? No sir.
Q Has her name ever been on the tract of land? [illegible] Was she first [illegible]

Cher- D-711.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1908.

In the matter of the application of Lizzie Ward for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her husband Alexander G. Ward, and her children Lucy F., George, Roxie M., William M., Joe M. and Joel C. Ward as citizens by blood of the Cherokee nation.

Lizzie Ward, called as a witness, being first duly sworn by the Commission, testified as follows:

Q What is your name? A Lizzie Ward.
Q How old are you? A Thirty three.
Q What is your postoffice address? A Claremore, I.T.
Q Are you a white woman? A Yes sir.
Q Are you claiming the right to be enrolled as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your husband's name? A Alexander G. Ward.
Q Is he a Cherokee by blood? A Yes sir.
Q How long has he lived in the Cherokee nation? A Born and raised there.
Q Has he lived in the Cherokee nation all his life? A Yes sir.
Q When were you married to him? A In 1884.
Q Is he your first husband? A Yes sir.
Q Are you his first wife? A No sir.
Q He had been married before he married you? A Yes, once.
Q What was the name of his first wife? A Carrie Cumber
Q Is she living or dead? A She is dead.
Q Was she dead when you married him? A I don't know; he hasn't ever said anything about it for six years.
Q Has he ever tried to find out anything about her? A No sir.
Q Has he ever tried to get track of her? A Yes, when she first left. They went out to Colorado I think.
Q He couldn't find out anything about her? A No, he couldn't find out a thing.
Q So you don't know whether she was dead or living at the time he married you? A No sir.
Q Have you found out since? A No, we heard that she was dead; that is all we know, she run away.
Q Did you hear when she died? A No, I didn't.
Q Who married you and your husband Alexander G. Ward? A Nathan Wise.
Q Was he a preacher? A Yes, an ordained preacher.
Q Did you get a certificate of your marriage? A No, he said he would have it recorded, but he never did.
Q Is he living now? A No, he is dead.
Q Is anyone living who was present at your marriage? A No sir.
Q Who made application for your enrollment two years ago--you or your husband? A My husband.
Q Have you and your husband been living together ever since you were married
A Yes sir.
Q You say you was never married before? A No sir.
Q You have never been separated, have you? A No sir.
Q Are you living together now? A Yes sir.
Q How many children have you by your husband Alexander G. Ward? A Six.
Q Are they all living now? A Yes sir.
Q So you don't know of anyone who was present and saw you married?
A No sir.

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Frances E. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 3rd, 30th, 1908.

Notary Public.

Cherokee B Vol.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alexander G. Ward for the enrollment of himself and his minor children, Lucy F., George, Roxie M., William M. Joe M. and Joel G. Ward, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 23, 1900, Alexander G. Ward appeared before the Commission at Clarremore, Indian Territory, and made application for the enrollment, among others, of himself and his minor children, Lucy F., George, Roxie M., William M. and Joe M. Ward, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie Ward, as a citizen by intermarriage of said Nation. Subsequent to the date of said application an affidavit was filed as to the birth of his minor child, Joel G. Ward, and the same is made a part of the record herein. The status of persons claiming citizenship by intermarriage in the Cherokee Nation not being fixed at this time, the application for the enrollment of Lizzie Ward, as such, will not be passed upon or considered in this decision. Jesse D. Ward, who was also included in said application, is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, November 15, 1900, at Vinita, Indian Territory, October 19, 1901 and at Muskogee, Indian Territory, October 20, 1902.

The evidence shows that the said Alexander G. Ward is a native Cherokee and is identified by the name of Alex Ward on the 1880 authenticated Cherokee roll, and that the minor applicants herein, are his children born since the making of said roll. It further appears that all of the applicants herein, except Joe M. and Joel G. Ward, are identified on the 1896 Cherokee census roll. The said Joe M. and Joel G. Ward are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Alexander S. Ward has resided in the Cherokee Nation all his life, except for a period of three years during the war of the rebellion; and it is considered that the residence of the said minor applicants has always been in the Cherokee Nation with their father.

It is, therefore, the opinion of this Commission that Alexander S. Ward, Lucy F. Ward, George Ward, Sandy M. Ward, William H. Ward, Joe H. Ward and Joel E. Ward should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Commissioner.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1903

COPY.

Cherokee D-711

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alexander G. Ward for the enrollment of himself and his six minor children, Lucy F., George, Nexie M., William M., Joe M. and Joel C. Ward, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Enc. D-19

(COPY)

Cherokee D-711.

Muskogee, Indian Territory, October 12, 1903.

Alexander G. Ward,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your six minor children, Lucy F., George, Roxie M., William M., Joe M., and Joel C. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-97

Register.

GRS

(COPY)

Cherokee D-711

Muskogee, Indian Territory, October 12, 1903.

J. M. LaHay,

Attorney for Alexander G. Ward, et al.,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alexander G. Ward for the enrollment of himself and his six minor children, Lucy F., George, Roxie M., William M., Joe M. and Joel C. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-98

Register.

GRS

Cher 10331
William Childers
Trans. from D749

Cher 10331

[illegible]

[illegible] the rol[illegible] civi[illegible] at [illegible] they are not identic[illegible] the reason [illegible] in this case [illegible] these children will now be [illegible] a doubtful card. And we [illegible] the [illegible] children, be[illegible] [illegible] [illegible] [

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 30, 1906.

In the matter of the application of William Childers for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A William Childers.
Q How old are you? A Something like forty.
Q What is your postoffice? A McKey.
Q Do you live in Coweseecowee district? A No sir, in Illinois.
Q Who is it you want to enroll; yourself and family? A Myself and family.
Q Have you a wife? A Yes sir.
Q How many children have you? A Five.
Q Are you a Cherokee by Blood? A Yes sir.
Q What is your wife? A She's a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father. A Sam Childers
Q Is he dead? A Yes sir.
Q Give me the name of your mother . A Sarah.
Q Is she dead? A Yes sir.
Q Give me the name of your wife. A Agnes N.
Q How old is she? A She's about 38.
Q What was her name when you married her? A Walker;
A She was married before.
Q Was that her maiden name? A No sir.
Q What was her name before it was Walker? A Miles.
Q Was that her maiden name? A Yes sir.
Q She was married once before she married you? A Yes sir.
Q Was her former husband dead when she married you? A No sir.
Q Was she divorced from him? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir; I have a marriage certificate here.
Q You have no copy of the decree of divorce between your wife and her husband, Walker? A No sir.
Q When was it you married your wife? A In '88.
Q You and she lived together ever since you married her? A Yes sir.
The applicant presents a certificate showing that he was married to his wife on July 25, 1886 by Joseph Garland, Supreme Judge of the Choctaw Nation. This is filed herewith.
Q You were married down in the Choctaw Nation? A Yes sir.
Q You didn't live down there? A No sir, that was right on the line of the Cherokee and Choctaw Nation.
Q Give me the names of your children. A William S.
Q How old is that child? A 13 years old.
Q Next child? A Tandy S.
Q How old is that child? A 9 years old.
Q Next child? A Sophia N.
Q How old is that child? A 7 years old.
Q Name of the next child? A Ben F.
Q How old is Ben? A 4 years old.
Q Next child? A Sarah V.
Q How old is that child? A One year old.
Q Have you certificates of birth? A Yes sir, of the two youngest children.
Q Were you ever married except to this wife? A No sir.
Q Where were you twenty years ago; In Illinois? A I was there in Illinois and then in Sequoyah.
Q Were your father and mother dead in 1880? A Yes sir.
Q Who did you live with twenty years ago? A I staid part of the time with old uncle John and part of the time with my brother in Illinois.
Q You remember of enrolling in 1896, do you? A Yes sir.

2- W.C.

Q Did you ever apply to the Dawes Commission for admission to citizenship? A No sir.
1880 roll; page 690, #350, John Childers, Jr., equoyah Dist.
Q Is that your brother? A Yes sir.
Q Why did they call him John Childers, Jr.? A We have an uncle named John Childers.
1894 roll; page 761, #432, Sophie Childers, Illinois Dist.
1894 roll; page 761, #434, Tandy S. " "
1894 roll; page 761, #435, Willie S. " "
1894 roll; page 761, #431, William " "
Q Can you explain why your name is not on the 1880 or 1896 roll; have you any idea? A I don't know, I enrolled.
Q Did you go out of the Cherokee Nation and live any time?
A Only for a short time; I lived on the line for a short time for the purpose of schooling my children.
Q Where did you live? A Tamaha.
Q Where is that, in Kansas? A No sir, in the Choctaw Nation; oh the line of the Cherokee and Choctaw.
Q Is your wife a Choctaw? A She is a white woman; she married a Choctaw.
Q You live across the line? A Part of the time; my home has always been in the Cherokee Nation.
Q Are your interests back here in the Cherokee Nation? A Yes sir.
Q How long did you live across there? A Part of the time there and part of the time here.
Q Did you ever apply to the Cherkee Council or Commission for re-admission when you quit living there? A No sir; didn't need to this has always been my home.
Q Where was your property all the time? A Right in the Cherokee Nation.
Q What district? A In this district now.
Q Back in 1880 and down to this time? A In Illinois district.
Q Your property i Illinois district? A Yes sir; had a farm there and sold it and bought a farm in this district.
Q Owned a farm in the Cherokee Nation in 1880? A Yes sir, in Illinois district.

Representative J. C. Starr, of the Cherokee Nation-
Q When you went out into the Choctaw Nation to school your children did you take your effects with you? A No sir; only temporarily for the purpose of sending the children to school.
Commissioner-
Q You took your household goods? A I took ~~of~~ them, but I had a farm here and stock, and always counted this my home.
Q Was your wife's first husband dead when you married her? A No sir.
Q These children all alive and living with you are they? A Yes sir.
Commissioner Breckinridge:
The applicant applies for the enrollment of himself, his wife, and five children. He states that he was born in the Cherokee Nation, is a Cherokee by blood, and has lived in the Cherokee Nation all his life. He is not identified on the rolls of 1880 or 1896, but is identified on the roll of 1894. He lived for some time in the Choctaw Nation for the purpose of schooling his children he states. It is necessary for him to further identify himself with reference to the roll of 1880 and to establish in a ~~manner~~ satisfactory manner his residence in the Cherokee Nation. He will at present be listed as a Cherokee by blood on a doubtful card. He is shown to have married his wife in 1886; she was previously married, and the applicant is not able to produce a copy of the decree of divorce at this time; nor was his wife's first husband dead at the time of his marriage to her. She is not identified on the roll of 1896; he was never previously married, but to establish his marriage to this wife it is necessary for him to supply the Commission with a copy of the decree of divorce. So on this account, we will [illegible]
[illegible]

E. V.C.

three are identified on the roll of 1906. They are all living at this time; they are not identified on the roll of 1906. For the reason applicable to the case of both the father and the mother, these children will not be listed as Cherokees by blood on a descriptive card. And when certificates are filed of the birth of the two younger children, Ben F. and Edna V., they also will be listed as Cherokees by blood on a descriptive card.

E.S.Rothenberger, being duly sworn, states that he prepared prior to the commencement to the Five Civilized Tribes, and filed in full all proceedings in the above case, and that the foregoing is a true and complete transcription of his [illegible] submitted in said case.

E. S. Rothenberger

Subscribed and sworn to before me this 20th day of October, 1909.

Notary Public.

C. Thurman

Comm.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
RECEIVED
OCT 20 1904

Illinois

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 30 1900 1900.

Name William Childers, McKey, I.T.

District Illinois Year 1894 Page 761 No. 421

Citizen by blood Yes Mother's citizenship Samuel Childers — 2

Intermarried citizen No Sara Childers — 2

Married under what law Date of marriage

License Certificate

Wife's name Agnes Childers, nee Fulls

District Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate Filed OCT 30 1900

Names of Children:

3	William A. Childers	Dist.	Illinois	Year 1894	Page 761	No. 423	Age 13
4	Sandy A.	"	Dist. "	Year "	Page 761	No. 424	Age 9
5	Sophia N.	"	Dist. "	Year "	Page 761	No. 422	Age 7
6	Ben F.	"	Dist. —	Year —	Page —	No. —	Age 4
7	Sarah C.	"	Dist. —	Year —	Page —	No. —	Age 1
			Dist.	Year	Page	No.	Age
			Dist.	Year	Page	No.	Age
			Dist.	Year	Page	No.	Age
			Dist.	Year	Page	No.	Age
			Dist.	Year	Page	No.	Age

Court Filed

3 Oct 1894 Roll as Willie A Childers

~~Sandy A~~ — "

6 Oct 1894 Roll as Sophie "

6 & 7 Affidavits to be supplied

Decree of divorce of No. 2 from former husband to be supplied.

D-744

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Ben Farmer Childers (Here insert name of child), born on the 8 day of Nover 1896

Name of Father: William Childers a citizen of the Cherokee Nation.

Name of Mother: Agnes Nora Childers a citizen of the (White) Nation.

Post-office Tamaha, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Agnes Nora Childers, on oath state that I am 39 years of age and a citizen, by Intermarriage, of the Cherokee Nation; that I am the lawful wife of William Childers, who is a citizen, by Blood, of the Cherokee Nation; that a Male (Male or female) child was born to me on 8 day of November 1896; that said child has been named Ben Farmer Childers, and is now living.

WITNESSES TO MARK: Agnes Nora Childers

(Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of August 190.0

(SEAL) W. B. Davidson, NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, J. L. Roger, a Physician, on oath state that I attended on Mrs. Agnes Nora Childers, wife of William Childers on the 8 day of November, 1896 that there was born to her on said date a Male (MALE OR FEMALE) child; that said child is now living and is said to have been named Ben Farmer Childers

WITNESSES TO MARK: J. L. Roger, M. D.

(Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of August 190.0

(SEAL)) Wm. B. Davidson NOTARY PUBLIC.

Cherokee D-749.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Sarah Vivian Childers (Here insert name of child), born on the 18 day of January, 1899

Name of Father: Wm. Childers a citizen of the Cherokee Nation.

Name of Mother: Agnes Nora Childers a citizen of the Intermarriage Nation.

Post-office Tamaha, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central District.

I, Agnes Nora Childers, on oath state that I am 39 years of age and a citizen, by Intermarriage, of the Cherokee Nation; that I am the lawful wife of William Childers, who is a citizen, by Blood, of the Cherokee Nation; that a Female (Male or female) child was born to me on 18 day of January 1899; that said child has been named Saran Vivian Childers, and is now living.

Agnes Nora Childers

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of August 190

(SEAL) Wm. B. Davidson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central District.

I, J. C. Boger, a Physician, on oath state that I attended on Mrs. Agnes Nora Childers, wife of William Childers on the 18 day of January, 1899 that there was born to her on said date a Female (Male or Female) child; that said child is now living and is said to have been named Sarah Vivian Childers

J. C. Boger, M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of August 190

(SEAL) Wm. B. Davidson
NOTARY PUBLIC.

Cherc. D - 749.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 25, 1901.

In the matter of the application of William Childers et al. for enrollment as Cherokee citizens.
Supplemental testimony.

Ed Bean, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Ed Bean.
Q What is your age? A 48.
Q What is your postoffice address? A Chrosmere, I.T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Recognized as such by the Cherokee authorities? A Yes sir.

Examination by J. F. Faulds, applicant's attorney-
Q What relation, if any, is the applicant, William Childers, to you? A A nephew; my oldest sister's son.
Q And your sister was a Cherokee by blood? A Yes sir.
Q How long has she been dead, do you know? A No sir, I couldn't say just how long she's been dead; she's been dead several years.
Q You are on the 1880 roll, you say? A Yes sir, I think I am.
Q And the mother of this applicant was your full sister? A Yes sir, full sister.
Q You know whether your nephew, the applicant, made any crop in the Cherokee Nation? A Yes sir, he farmed one season up where I live now on Verdigris River, Cooweescoowee District.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. D. Rothrock

Subscribed and sworn to before me this 26th day of April, 1901.

T. B. Needles

Commissioner.

Nov 15th 1885

Tuesday Morning 9 o'clock, Court met pursuant to adjournment, Jury called, jury present, Minutes of previous day read and approved, Court open and ready for business.

Case No 13 Sandy Walker
vs Petition for Divorce
Agness Walker

This cause coming on to be finally heard and proof being sufficient it is therefore considered by the Court that the bonds of matrimony is hereby declared and dissolved and forever made null and void, and it is further ordered by the that said Plaintiff Sandy Walker be appointed Guardian for her children.

Court adjourned until tomorrow morning at 9 o'clock

Attest
H. J. Kayser, Clerk.

(Approved)
A. E. Lewis
Presiding Judge

F

Enc of 10749

Answer of divorce

Sarah Walker

vs

Agnes Walker

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 27 1901

Acting Chairman

I James Culberson, Clerk in and for the 1st Judicial District Choctaw Nation, duly commissioned and acting do hereby certify that the above and foregoing is a full, true and correct copy of the original proceedings in case No 113 Tandy Walker vs Agness Walker for Divorce as they appear at Pages 165, 167 and 169 of minute Book of said 1st Judicial District, Choctaw Nation.

In Testimony thereof Witness my hand and seal as such Clerk, given this 11th day of December 1900.

James Culberson
Circuit Clerk
1st Dist
C. N.

Over there.

Q With that exception they have lived in the Choctaw Nation?

A Yes, sir.

Q What is his present wife? A Yes, sir.

Q He married her, he said, in 1888, in his own statement?

A Yes, sir.

Commissioner: Are the children for whom he applies his children by his present wife? A Yes, sir.

Commissioner (to Applicant) Any questions you would like to ask him, Mr. Childers? A No, sir, not that I know of, I don't believe.

Q You know of anything else, Mr. Witness? A No, sir, I don't know of anything else.

Applicant: Only one place, I failed to mention I lived there in Sandtown bottom until the overflow run me out; I had to move out of the bottom on account of the overflow; that was before I lived in McKee; I lived in Sandtown bottom and the river got up and overflowed the bottom and I had to move out and I moved over across the river on the other side.

William Childers, the applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Were your children for whom you apply all born in the Choctaw Nation? A Yes, sir.

Q Your present wife a white woman? A Yes, sir.

FILED
DEC 3 1908
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
Examiner

Shewkerr Cherokee, Supplemental, D-749.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of William Childers for enrollment as a Cherokee by blood.

Supplemental testimony.

Appearances:
Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

John C. Childers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John C. Childers.

Q What is your age, Mr. Childers? A I don't know just exactly, I am somewhere about between 46 and 47.

Q What is your postoffice? A Claremore has been my postoffice.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Q Do you know William Childers, the applicant? A Yes, sir.

Q Is he any relation of yours? A He is a full brother, the same father and mother.

Q Well now, state what you may desire in regard to the citizenship of your brother? A Well sir, I will state first, in 1880 he had been and was at that time making his home with me in the Cherokee Nation on Sallisaw, and was a single man, I was a man of family and he was living there with me, and was just working by job work wherever he could get work along; the only place he knew as home was with me, I was the oldest and he always made my place his home, and when the census enumeration was made in 1880 they didn't visit all the houses direct, they went in a community, in a neighborhood and taken the names and inquired, go to some place and inquire about, didn't visit all the houses as the law demanded.

Q Well, know of anything else? A Why we presumed his name was on the 1880 roll all right and didn't know better until we appeared before the Commission at Claremore; at that time we didn't know just what evidence would be necessary and what would be required.

Q You supposed his name was on the 1880 roll then until you visited this Commission at Claremore and found it different? A Yes, sir.

Q Is William Childers your own brother? A Yes, sir, same father and mother.

Q Where was he born? A He was born in Flint District, Cherokee Nation.

Q What degree of Cherokee blood has he? A About 1/8, the best we can get at it.

Q Has he always lived in the Cherokee Nation? A No, sir, not always, he worked in the Choctaw Nation part of the time.

Q Was he a single man at that time? A No, sir, he married though in the Choctaw Nation.

Q Well, when did he commence to live permanently in the Cherokee Nation? A Well, he has lived off and on in the Cherokee Nation since he married.

Q When was that? A I don't just remember the dates now, but he lived in Sandtown bottom a while, and now he has his farm and all of his interests in the Cherokee Nation up near the Kansas line.

Q Is he married now? A Yes sir, has wife and about seven children I think it is.

Q Has he been living in the Cherokee Nation since 1897 or '8, three years ago, four years ago? A Well, he lived a short time in the Cherokee Nation two years ago to the best of my recollection.

Q Well, he lived in the Choctaw Nation then up until two years ago? A Only just what time he visited my place, just made my house his

home.

Q Well, since he has been married and a housekeeper himself, he has never lived in the Cherokee Nation until about two years ago; is that correct? A Yes, sir, I believe that is about correct; he just lived on the Choctaw side, right on the other side the river.

Q On the other side the river? A Yes, sir.

Q That is close to the Cherokee and Choctaw line? A Yes, sir, the river made the line.

Q Is that where he had always lived? A That is where he has resided ever since he married, except the time that he lived at McKee; a short time at McKee.

Q Where is McKee? A McKee is in the Cherokee Nation.

Mr. Hastings: This boy born about the beginning of the war?

A Yes, sir.

Q He was born in Flint district, Cherokee Nation? A Yes, sir, we were both born in the Cherokee Nation.

Q Did his parents take him out of here during the war? A Yes, sir, my parents went down on Blue in the Choctaw Nation.

Q Did your parents ever come back here after the war? A No, sir, my parents died, my father died in the army and mother died down on Blue.

Q Yes I know, but I want to know whether she died during the war or after the war? A Just a short time after the surrender.

Q Your brother was with your parents at that time? A Yes, sir.

Q Now did he remain down there until he married? A No sir, we came back.

Q Now where did he go to and when after the war? A We come together, me and him come to Childers Station first point.

Q Now about when was that; about how old was he? A He was about, somewhere about ten or twelve years old.

Q That was four or five or six years after the war? A Oh yes, yes, sir, it was, I don't just remember, I think mother died in '71, to the best of my recollection; we were just boys and I don't remember; as soon as we could we came on home.

Q Now how long did he stay at,home? A He stayed here about two years in the Cherokee Nation?.

Q And then went back? A No, sir, just across the river from over where Mrs. Walker used to live.

Q He went back to the Choctaw Nation? A Yes, sir, went over there and worked for them.

Q And he afterwards married Tandy Walker's widow? A Yes, sir.

Q She had previously married a Choctaw? A Yes, sir.

Q She had no rights over there as a Choctaw? A No, sir, she dont claim any rights herself I don't think as a Choctaw.

Q Well, her former husband was a recognized Choctaw citizen? A Yes sir.

Q Tandy Walker, I see from the divorce? A Yes, sir.

Q She had some children by him? A Two.

Q And after that divorce why your brother married her? A Yes sir.

Q Now Mr. Childers, where is his wife now? A She is in the Cherokee Nation up here close to the Kansas line.

Q Now how long has she been here continuously all the time? A Well they have just recently moved there to his farm.

Q Well, how long is that? A Only about three or four or five days I think.

Q They come from the Choctaw Nation up there? A Yes, sir; he owned this farm before that.

Q Well I am talking about their residence? A Yes, sir.

Q He has been living with his wife practically all the time in the Choctaw Nation since their marriage? A Yes, sir.

Q Until a few days ago when they moved up here? A Yes, sir; as I stated, they lived at McKee a short time.

Q About how long? A Only a couple or three weeks they lived

W C. Sup.2.

over there.

Q With that exception they have lived in the Choctaw Nation?

A Yes, sir.

Q What is his present wife? A Yes, sir.

Q He married her, he stated, in 1886, in his own statement?

A Yes, sir.

Commissioner: Are these children for whom he applies his children by his present wife? A Yes, sir.

Commissioner: (to Applicant) Any questions you would like to ask him, Mr. Childers? A No, sir, not that I know of, I don't believe.

Q You know of anything else, Mr. Witness? A No, sir, I don't know of anything else.

Applicant: Only one place, I failed to mention I lived there in Sandtown Bottom until the overflow ran me out; I had to move out of the bottom on account of the overflow; that was before I lived in McKee; I lived in Sandtown Bottom and the river got up and overflowed the bottom and I had to move out and I moved over across the river on the other side.

William Childers, the applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Were your children for whom you apply all born in the Choctaw Nation? A Yes, sir.

Q Your present wife a white woman? A Yes, sir.

Q She was the widow of a Choctaw citizen? A Yes, sir.

Q None of these children for whom you apply then were born to her before you married her? A No, sir.

Commissioner: This testimony will be filed with the other and taken into consideration when the case is decided upon and determined by the Commission.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 3rd of September, 1901.

Commissioner.

Surl.-C.D.#749.

[illegible]

[illegible] of [illegible] CHILDERS
[illegible], [illegible] citizens of [illegible] Cherokee Nation:

[illegible] verified [illegible] registered before February [illegible] the enrollment of himself [illegible] Cherokee Nation would be [illegible] the commission at its office [illegible] Muskogee, on the [illegible] day of March, [illegible] to-wit: the [illegible] day of March, [illegible]

[illegible] Mr. [illegible] Starr, [illegible] Cherokee Representatives, present.

WHEREUPON, the applicant, being duly sworn, testified as follows in his behalf:

COMMISSION:

Q. What is your name? A. [illegible] Childers.
Q. How old are you? A. I don't know, my age exactly; I am something about 42 or [illegible]
Q. Where do you live? A. I live in Chouteau district [illegible] post office address? A. [illegible], Kansas
Q. Are an applicant before the enrollment for enrollment of yourself, wife and children as citizens of the Cherokee Nation? A. Yes, sir.
Q. Have any further statement that you desire to make relative

Supl.-C.D.#749.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIAM CHILDERS ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 8th day of March, 1902. The applicant this day, to-wit: the 8th day of March, 1902, appears in person.

Mr. J. C. Starr, Cherokee Representatives, present.

WILLIAM CHILDERS, the applicant, beind duly sworn, testified as follows in his own behalf:

COMMISSION:

Q What is your name? A William Childers.
Q How old are you? A I don't know, my age exactly; I am something about 42 or 43.
Q Where do you live? A I live in Coowescoowee district
Q post office address? A Kiro, Kansas
Q You are an applicant before the enrollment for enrollment of yourself, wife and children as citizens of the Cherokee Nation?
A Yes, sir.
Q Is there any further statement that you desire to make relative to your enrollment? A That is what I don't know; I don't know whether there is any more than what I supplied; I had my uncle before the Commission in September I believe he was and after I come down to see what would be required, to produce any more evidence or not. I had my brother before the Commission at Fort Gibson.
Q Do you submit the case to the Commission for final consideration?
A Yes, sir; that is what I thought I would come to see if there was any testimony I would be required to produce. I got the marriage license they told me I would have to get up.
Q Then you submit the case to the Commission? A Yes, sir.

Commission: The applicant and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

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I? J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

Cherokee D-749

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Gladdys Augusta Childers (Here insert name of child) born on the 9 day of June, 1902

Name of Father: William Childers a citizen of the Cherokee Nation.

Name of Mother: Agnes Nora Childers a citizen of the Cherokee Nation.

Post-office Tyro, Kansas.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Coo-wee-scoo-wee District. } Kansas, Montgomer Co.

I, Agnes Nora Childers, on oath state that I am 39 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of William Childers, who is a citizen, by Birth, of the Cherokee Nation; that a female (Male or female) child was born to me on ninth day of June 1902; that said child has been named Gladdys Augusta Childers, and is now living.

WITNESSES TO MARK: Agnes Nora Childers

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of June 1902

((SEAL))

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. District. } Kansas Montgomery Co.

I, Henry Bradley, a Physician, on oath state that I attended on Mrs. Agnes Nora Childers, wife of William Childers on the 9th day of June, 1902 that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Gladdys Augusta Childers

WITNESSES TO MARK: Henry Bradley, M. D.

(Must be Two Witnesses)

Subscribed and sworn to before me this 23rd day of June 1902.

(((SEAL)))

C. H. Pocock

NOTARY PUBLIC.

COMMISSIONER
APR 1

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 27th, 1903.

In the matter of the application of William Childers for the enrollment of himself as a citizen by blood; his wife, Agnes N. Childers, as a citizen by intermarriage, and his children, William S., Tandy S., Sophia N., Ben F., Sarah V. and Gladdys Augusta Childers, as citizens by blood of the Cherokee Nation.

Supplemental to Cherokee D-749.

William Childers, being duly sworn, testified as follows:

Examination by the Commission.

Q. State your name? A. William Childers.
Q. Your age? A. Why, I don't know my age exactly. I am somewhere about 42.
Q. What is your post office? A. Tyro, Kansas.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. How long have you been residing in the Cherokee Nation?
A. I have been here off and on all my life.
Q. Were you born in the Nation? A. Yes, sir.
Q. Your name doesn't appear on the roll of 1880? A. No, they couldn't find it.
Q. Where were you living at that time? A. I was living at Vian, in Illinois district.
Q. Your parents were dead? A. Yes, sir.
Q. Were they Cherokees? A. Yes, sir.
Q. Both of them? A. Yes, sir.
Q. Have they died since 1880? A. No, sir; they died before that. They died when I was a boy. Mother died in '75.
Q. You say you have been living in the Cherokee Nation off and on. Where else have you lived? A. Part of the time just across the line in the Choctaw Nation, the balance of the time in the Cherokee Nation.
Q. You never lived out of the Territory? A. No, sir.
Q. What is the name of your wife? A. Agnes.
Q. Agnes N.? A. Yes, sir.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. No, sir.
Q. What was the name of her first husband? A. Tandy Walker.
Q. Was he a white man? A. No, sir; he was a Choctaw.
Q. Is he dead? A. No, sir.
Q. Were they divorced? A. Yes, sir.
Q. When? A. In '85, I believe it was.
Q. In what court? A. Down in the Choctaw Nation.
Q. Have you filed a copy of the decree of divorce between your wife and her first husband? A. Yes, sir.
Q. At the time you enrolled? A. No, not at the time I enrolled. I didn't think anything about it. That is why they placed me on a doubtful card, because I didn't have these papers.
Q. Is that the only time your wife Agnes had been married?
A. Yes, sir.
Q. You are her second husband? A. Yes, sir.

Q. She is a white woman? A. Yes, sir.

Q. When were you and she married? A. We were married in '86, I guess it was.

Q. After she got a divorce from her first husband?

A. Yes, sir.

Q. Have you been living together ever since that time?

A. Yes, sir.

Q. Never have been separated? A. No, sir.

Q. Your home has been in the Cherokee Nation? A. Yes, sir.

Q. How many children have you by Agnes? A. Six.

Q. Are they all living? A. Yes, sir.

Q. They have lived in the Cherokee Nation ever since they were born, have they? A. Yes, sir.

Q. Do you know why your name doesn't appear on the roll of 1896? A. No, sir. I been enrolled on every roll since 1880.

Q. Did you ever go by any other name except Childers?

A. No, sir. I don't know why they didn't find my name.

Q. You lived in Illinois district? A. Yes, sir; I been living in Illinois and Sequoyah. In Sequoyah and Illinois. My brother was living in Illinois and I had an uncle in Sequoyah and I lived with him part of the time.

Q. Is that the only districts you lived in? A. I lived in Coowescoowee.

Q. Where were you living in 1896? A. I was living in Illinois.

Q. Has your citizenship ever been disputed? A. No, sir; I have always been recognized as a citizen of the Cherokee Nation.

Q. Have you voted at the Cherokee elections? A. Yes, sir; every time there was an election.

Q. Has your vote ever been challenged? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 11th day of April, 1903.

Samuel Foreman
Notary Public.

1

(COPY)

In the matter of the application of William Childers for the enrollment of himself, his wife, and five children, before the Commission to the Five Civilized Tribes.

The applicant, Wm. Childers, applies for enrollment as a Cherokee citizen by blood, and the proof shows that he is about one-eighth Cherokee. He is a full brother of John C. Childers, whose name appears upon the roll of 1880. See statement of Jno. C. Childers filed in the case.

Ed. Bean, who is uncle of the applicant, also swears that Wm. Childers is the nephew, being a son of his oldest sister. The citizenship of Bean is recognized and undisputed by the Cherokee authorities. See sworn statement of Ed. Bean filed in this matter.

This is all the testimony as to the blood of the applicant. There is no evidence introduced by the Cherokee Nation to contradict it, and hence his blood must stand as fully established.

It is admitted that the applicant resided for several years just across the line near Tamaha in the Choctaw Nation, and for the purpose of schooling his children he resided there temporarily. To use his own language in his original statement, "he only lived there "temporarily for the purpose of sending his children to school. He "took his household goods with him, but he had a farm and stock here "(meaning in the Cherokee Nation), and always counted it as his home."

This part of his testimony is not controverted, and he further swears, and there is no evidence to the contrary, that he has lived in the Indian Territory all of his life, never living outside of the Choctaw and Cherokee Nations, and that he considered and counted the Cherokee Nation as his home. There never was any permanent abandonment of said Cherokee Nation on his part, and when he left it at any time it was with the animo revertend:

It is admitted that applicant married a white woman, who he claims was the divorced wife of a Choctaw citizen. He produces a certificate of marriage to her on July 25, 1886, signed by Joseph Garland, Supreme Judge of the Choctaw Nation. It is filed in the

papers in this case.

All the presumptions of law are in favor of and support the legality of said marriage. The burden of proof is on the Cherokee Nation to show that it was illegal. As it occurred in 1886 it was in sufficient time to make the wife of applicant a citizen of the Cherokee Nation by adoption, and we insist that she is entitled to be enrolled as such citizen under the facts in this matter.

It is true that the name of the applicant, Wm. Childers, does not appear upon the Roll of 1880, which fact is sufficiently explained by the testimony of his brother, Jno. C. Childers, wherein he states, that when the roll of 1880 was being made up or prepared, that the applicant was a single man making his home with him in the Cherokee Nation on Sallisaw; that his house was his home, and the applicant was working by job work whenever he could get work, and when the census enumeration was made in 1880, they (meaning the census takers) "did not visit all the houses direct; they went into neighborhoods and made inquiries, and did not visit all the houses as the law demanded."

This is a sufficient explanation why the applicant was not enrolled. He was, according to the proof, then living in the Cherokee Nation, and his failure to be enrolled was doubtless an oversight on the part of the enumerators, for which failure the applicant should not pay the penalty. Being a single man, working around by the job, the oversight was natural and not unusual. Even Cherokee enumerators are not infallible, and the roll of 1880 does not always speak the truth.

He and three of his children are, however, identified on the roll of 1894, and he has filed certificates of the birth since that date of his two younger children, viz; Ben F. and Sarah V. Childers. All of his children were born to him by his present wife.

There being no doubt as to both blood and residence of the

applicant, Wm. Childers, and the proper identification of himself and family, we insist on his and their enrollment, as Cherokee citizens by the Honorable Commission to the Five Civilized Tribes, according to the law and facts governing such applications.

(Signed) Wisdom & Toomer.

Attorneys for Applicants.

GRS

Cherokee D #749

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Childers for the enrollment of himself and minor children, William S., Tandy S., Sophia N., Ben F., Sarah V. and Gladdys A. Childers, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on October 30, 1900, William Childers appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and minor children, William S., Tandy S., Sophia N., Ben F. and Sarah V. Childers, as citizens by blood of the Cherokee Nation; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Gladdys A. Childers on June 9, 1902. Said application also included Agnes N. Childers, wife of the said William Childers, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but, the status of such persons not being fixed at this time, the said Agnes N. Childers is not embraced in this decision. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 23 and September 3, 1901; at Muskogee, Indian Territory, on March 8, 1902, and at Vinita, Indian Territory, January 27, 1903.

The evidence shows that the applicant, William Childers, is a native Cherokee; that said applicant and his minor children, William S., Tandy S. and Sophia N. Childers, are identified on the Cherokee strip payment roll of 1894. It appears that, by some mistake, William Childers was not enrolled on the 1880 authenticated roll of the Cherokee Nation but his brother, John Childers, is identified on said roll. All the other minor applicants are identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that the said William Childers was born in the Cherokee Nation and has since continuously resided in the Indian Territory. The residence of all the minor applicants herein is shown to be the same as that of their father, the said William Childers.

Cherokee D #749

It is, therefore, the opinion of this Commission that William Childers, William S. Childers, Tandy S. Childers, Sophia N. Childers, Ben F. Childers, Sarah V. Childers and Gladdys A. Childers should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Harney
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1907

Cherokee D 749

Vinita, Indian Territory, January 26, 1903.

William Childers,

McKey, Indian Territory.

Dear Sir:

You are hereby notified that before your application for the enrollment of your wife, Agnes E. Childers will be complete, it will be necessary that you introduce further testimony showing the right to enrollment on September 1, 1902, of the said Agnes E. Childers.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on any day prior to February 18, 1903.

When you appear, please present this letter.

Respectfully,

Acting Chairman.

CMC

COPY.

Cherokee D-749

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of William Childers for the enrollment of himself and his six minor children, William S., Tandy S., Sophia E., Ben F., Sarah V. and Gladdys A. Childers, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-29

Chairman.

(COPY)

Cherokee D-749.

Muskogee, Indian Territory, October 12, 1903.

William Childers,

Eckey, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your minor children, William S., Tandy S., Sophia N., Ben F., Sarah V. and Gladdys A. Childers, as citizens by blood of the Cherokee Nation.

Respectfully,

(Signed) Tams Bixby,

Chairman.

Enc. D-89

Register.

GRS

Cher 10332

Cora Fields

Trans. from D787

Cher 10332

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I. T., November 13, 1900.

In the matter of the application of Jefferson J. Fields, for the enrollment of himself and children as Cherokees by blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Jefferson J. Fields.
Q How old are you? A I am 48 years old I guess.
Q What is your postoffice address? A Collinsville.
Q What district do you live in? A Cooweescoowee, I reckon.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes.
Q Who do you want to enroll, yourself? A Yes .
Q Who else? A My kids and old woman.
Q You mean your wife and children don't you? A Yes.
Q What is the name of your wife? A Eliza.
Q She a citizen by blood? A No sir.
Q How ol is she? A About 27 or 28, I guess.
Q When did you marry her? A About 15 years ago.
Q Got any certificate of marriage? A No, I haven't.
Q What was her name before you married her? A Burge.
Q A non citizen? A Yes sir.
Q What are the names of your children? A The oldest one is Cora.
Q How old is she? A She is going on 14 I think.
Q The next child? A Fannie, she is two years younger than Cora.
Q The next one? A May, she is going on 9 I reckon, 9 or 10.
Q The name of the next child? A Mary Jane.
Q How old is Mary Jane? A She is going on seven I think, or eight.
Q Well? A Maudie, 4 years old; the youngest one is Robert R. 19 months old.
Q That all, six children? A Yes.
Q Is Eliza Burge the mother of all these children? A Yes.
Q You have no certificate of marriage? A No sir.
Q No proof of marriage? A Yes, we were married according to the old Cherokee laws.
Q Well you have got to prove this to us in some way.(
(Jefferson J. Fields on the 1880 roll, page 256, #1015, Jefferson Fields, Delaware District, native Cherokee; on 1896 roll, page 156, #1679, Jeff J. Fields, COoweescoowee district)
Q Has your wife been enrolled; did she come in and enroll herself?
A Not that I know of.
(Eliza Fields on 1896 roll, page 304, #355, Liza Fields, Cooweescoowee District. Cora Fields on 1896 roll, page 156, #1688, Cooweescoowee District. Fannie Fields, on 1896 roll, page 156, #1689, Cooweescoowee district. May Fields, on 1896 roll, page 156, #1690, Cooweescoowee district. Mary J. Fields on 1896 roll, page 156, #1691, Cooweescoowee district.)
Q These children all alive and living with you? A Yes sir, six.
Q Have you been living with Eliza Fields continuously since you married her? A Yes ~~six~~
Q Is she your first wife? A No.
Q Is your first wife living? A Yes, she married a man named Stallsworth.
Q Were you divorced from her? A No, I don't guess I was; I thought her marrying divorced me from her.
Q She married another man after she lived with you? A Yes sir.
Q When? A It has been about three or four years ago.
Q Were you ever married to her? A No sir.
Mr. W. W. Hastings, representative of the Cherokee Nation? When did you and Eliza Stallsworth, nee Adair begin living together as husband and wife? A I guess it has been about 26 or 27 years ago.

Jefferson J. Fields-2.

Q You were living with her in 1880? A I think so; I am not certain.
Q You had her enrolled in 1880 as your wife? A Yes sir.
Q You held her out to the community as your wife? A I think enrolled them.
Q And you had how many children by her? A I will have to count up.
Q You have had eight or ten? A Yes, I guess so.
Q When did you quit living with her? A I can't tell postive.
Q About when? A It has been after we parted; she lived with the kids; I kept them up alright.
Q When were you married to this woman, your present wife? A It has been about 14 or 15 years ago.
Q Who married you? A I can't tell you his name .
Q Were you lawfully married to her?or did you just take up with her? A. We just lived together; I lived with her some as the other according to the old Cherokee law.
Q Then you never were married by a minister? A No.
Q Nor you were not married by any officer? A No sir. ~~xxxxxxxxxx~~
Q No ceremony was performed? A No sir.
Q She was a white woman? A Yes, sir.

Commissioner Needles.: The name of Jefferson J. Fields appears upon the authenticated roll of 1880 as Jefferson Fields, and upon the Census roll of 1896 as Jeff Fields. He is duly identified and makes satisfactory proof as to his residence and the said Jefferson J. Fields will be duly listed for enrollment as a Cherokee citizen by blood.

He avers that he is living with a woman named Eli za Burge, a white woman. No marriage ceremony was ever performed. By said woman he has six children, Cora , Fannie, May, Mary J., whose names appear upon the Census roll of 1896. He makes satisfactory proof of birth of two children, Maudie and Robert R., born since the Census roll of 1896 was compiled, and whose names consequently do not appar thereon. Satisfactory proof of residence hax been made as to said children, and the said Eliza whom he claims to be his wife. The proof shows that he resided with a former wife a number of years, by whom he has eight or ten children and secured no divorce from her. Consequently , because of the testimony in this case, and in the case of number 4463, the application of his former wife, Lena Stallsworth, final judgment as to the enrollment of the said Eliza Burge, as a citizen by intermarriage and the said children, will be suspended and their names will be placed on a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 13th of November, 1900.

C. R. Breckinridge
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he copied the above and foregoing testimony and the same is a true and correct copy of the original.

R. Palmer

Subscribed and sworn to before me this 7th day of Januayr, 1904.

Steven L. Rathington
Notary Public.

D787
19-187
E
ED
Dec. 13, 1900

Statement of Applicant Taken Under Oath.

Copy

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov. 13 1900.

(18) Name Jefferson Fields Collinsville I.T.

District Delaware Year 1880 Page 256 No. 1015

Citizen by blood ~~yes~~ Mother's citizenship

Intermarried citizen ~~No~~

Married under what law Date of marriage

License Certificate

(19) Wife's name Eliza Fields

District Cooweescoowee Year 1896 Page 304 No. 355

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

3 Cora Fields	Dist. Cooweescoowee	Year 1896	Page 156	No. 1688	Age 14
4 Fannie "	Dist. Cooweescoowee	Year "	Page 156	No. 1689	Age 12
5 May "	Dist. Cooweescoowee	Year "	Page 156	No. 1690	Age 9
6 Mary J. "	Dist. Cooweescoowee	Year "	Page 156	No. 1691	Age 7
7 Maggie "	Dist. —	Year —	Page —	No. —	Age 4
8 Robert R. "	Dist. —	Year —	Page —	No. —	Age 19 mos
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 on 1880 roll as Jefferson Fields
2 on 1896 " " Eliza "
3 and 8 Birth affidavits on file.

D787 D

IN RE

Application for Enrollment of

INFANT CHILD

Mandie Fields

as a citizen of the

Cherokee Nation.

Approved Nov. 13 1900

J. B. Needles

Commissioner.

Nov. 13, 1900

Card 787.

BIRTH AFFIDAVIT. 20 Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Mandie Fields (Give name of child), born on the 2nd day of February, 1896
Name of Father: J. J. Fields, a citizen of the Cherokee Nation.
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-Office: Collinsville, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Fields, on oath state that I am 30 years of age and a citizen, by Marriage, of the Cherokee Nation; that I am the lawful wife of J. J. Fields, who is a citizen, by birth, of the Cherokee Nation, that a female (Male or female) child was born to me on the 2nd day of February 1896; that said child has been named Mandie Fields and is now living.

Eliza her mark Fields.

WITNESSES TO MARK
(Must be Two Witnesses) Ollie Fitten
C. E. Fields

(Seal) Subscribed and sworn to before me this 10th day of November 1900.

John H. French
Notary Public
My Commission expires May 22 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Fannie Broomback, a midwife, on oath state that I attended on Mrs. Eliza Fields, wife of J. J. Fields, on the 2nd day of February, 1896; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Mandie Fields

Fannie her mark Broomback

WITNESSES TO MARK
(Must be Two Witnesses) T. A. Terry
A. H. Needs

(Seal) Subscribed and sworn to before me this 12th day of November 1900

John H. French
Notary Public
My Commission expires May 22 1904.

D 787 D

IN RE

Application for Enrollment of

INFANT CHILD

Robert R. Fields

as a citizen of the

Cherokee Nation.

Approved Nov. 12 1900

T. B. Needles

Commissioner.

FILED

Nov. 13, 1900

Card D 787

BIRTH AFFIDAVIT 20 Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Robert R. Fields (Give full name of child), born on the 12th day of May, 1899
Name of Father: J. J. Fields, a citizen of the Cherokee Nation.
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-Office: Collinsville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Fields, on oath, state that I am 30 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of J. J. Fields, who is a citizen, by birth, of the Cherokee Nation, that a male (Male or female) child was born to me on the 12th day of May, 1899; that said child has been named Robert R. Fields, and is now living.

Eliza her + mark Fields

WITNESSES TO MARK
(Must be Two Witnesses)
Mary Spears
C. N. Newman

Subscribed and sworn to before me this 2nd day of November 1900.

John H. French
Notary Public.
My Commission expires May 22nd 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Elizabeth Newman, a midwife, on oath state that I attended on Mrs. Eliza Fields, wife of J. J. Fields, on the 12th day of May, 1899; that there was born to her on said date a male (Male or female) child; that said child is now living and is said to have been named Robert R. Fields

Elizabeth Newman

WITNESSES TO MARK
(Must be Two Witnesses)
Mary Spears
C. N. Newman

Subscribed and sworn to before me this 2nd day of November 1900

John H. French
Notary Public.
My Commission expires May 22nd 1904.

E - 5787

IN RE

Application for Enrollment of

INFANT CHILD

Lula Fields

as a citizen of the

Cherokee Nation.

Approved January 6 1902

T. B. Needles

Commissioner.

ENROLLED

Jan. 6, 1902

AGENT.

Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Lula Fields (Give middle name of child), born on the 15th day of December, 1901.
Name of Father: J. J. Fields, a citizen of the Cherokee Nation.
Name of Mother: Eliza Fields, a citizen of the Cherokee Nation.
Post-Office: Collinsville, Ind. Terry.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Fields, on oath state that I am 30 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of J. J. Fields, who is a citizen, by birth, of the Cherokee Nation; that a female (Male or Female) child was born to me on the 15th day of December 1901; that said child has been named Lula Fields, and is now living.

Eliza her + mark Fields

WITNESSES TO MARK
(Must be Two Witnesses)
Cora E. Fields
Austin Cook

(Seal)

Subscribed and sworn to before me this 21st day of Dec. 1901.

John H. French
Notary Public.
My Com. exp. May 22nd 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Mrs. Mary Myers, a midwife, on oath state that I attended on Mrs. Eliza Fields, wife of J. J. Fields, on the 15th day of Dec., 1901; that there was born to her on said date a female (Male or Female) child; that said child is now living and is said to have been named Lula Fields.

Mrs. Mary Myers

WITNESSES TO MARK
(Must be Two Witnesses)
Mrs. Bertha Wheeler
S. M. Graham

(Seal)

Subscribed and sworn to before me this 21st day of Dec. 1901

John H. French
Notary Public.
My Com. exp. May 22nd 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nowata, I. T., October 16th, 1900.

In the matter of the application of Lena Stalsworth for the enrollment of herself and children as citizens of the Cherokee Nation; said Stalsworth being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Lena Stalsworth .
Q How old are you? A 44.
Q What is your postoffice? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Cherokee? A Yes sir.
Q Who do you want to enroll besides yourself, anybody? A Four children.
Q What is the name of your children? A Lewis Fields.
Q How old is Louis? A 15.
Q What is the name of the next one? A Joel Fields.
Q How old is Joel.? A 13.
Q Next one? A Lula Pearl Fields.
Q How old is Pearl? A 11.
Q Next one? A Mamie C.
Q How old is Mamie? A Eight.
Q Who is the father of these children? A Jeff Fields.
Q Is he living? A Yes sir.
Q Are you married to him now? A No sir.
Q Are you married now? A Yes sir.
Q What is your present husband's name? A John R. Stalsworth.
Q Is he a white man? A Yes sir.
Q ~~When did you marry him? A A year ago last March.~~
Q You don't apply for him? A No sir.
Q What was your name in 1880, twenty years ago? A Fields.
Q What was your first name then? A I went by the name of Lena ever since I was a little child.
1880 enrollment; page 256, #1016, Linia Fields, Delaware.
Q Your name was Fields four years ago? A Yes sir.
Q Your first husband's name Jeff J? A Yes sir.
Q Did you ever get a divorce from him? A No sir.
Q He has went and married again has he? A Yes sir.
Q Married a white woman did he? A Yes sir.
1896 enrollment; page 304, #355, Lize Fields, Cooweescoowee.
1896 enrollment; page 156, # 1684 Lewis Fields, " "
1896 enrollment; page 156, # 1685 Joe Fields, "
1896 enrollment; page 156, # 1686 Pearl Fields, "
1896 enrollment; page 156, # 1687 Surintha Fields, "
Q Are these children all alive and living with you? A Yes sir.
Q You lived here continuously since 1880, A Yes sir.
Q What degree of blood have you got? A My mother was a full blood Cherokee , and father a half breed.

Com'r Needles--The name of Lena Stalsworth appears upon the authenticated roll of 1880 as Linia Fields, that being the name of her first husband. She was since married to one Stalsworth, a white man and who is a non citizen. Her name is also found upon the Census roll of 1896. The names of her four children, Louis, Joel, Lula P., and Mamie C. are found upon the Census roll of 1896. They all being duly identified according to the page and number of the roll as described in testimony, and having made satisfactory proof as to their residence, said Lena Stalsworth, and her children as named herein, will be duly listed for enrollment as Cherokee citizens by blood.

Lena Stalsworth--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 13th day of October, 1900.

C. R. Breckinridge.
Commissioner.

R. Palmer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and correct copy of the original testimony.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon R. Wallingford
Notary Public.

R
C. D.787.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Eliza Fields, for the enrollment of herself and children as Cherokee citizens.

APPEARANCES:
G. W. Benge, attorney for the applicant. (Tahlequah)
W. W. Hastins, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 18, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 10th day of March, 1902. Receipt has been acknowledged by of the Commission's letter and the applicant this day appears by her attorney, G. W. Benge.

BY COMMISSION OF MR. BENGE: Any statement you desire to make relative to the case? A Well if it would not be out of order, I would like to file a briedf in 15 days and then in the meantime I might submit something else.
Q No, you can't do that? MR. BENGE: Well, all right.

BY COMMISSION:

The attorney for the applicant and the representative of the Cherokee Nation submit the case; the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

R. Palmer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and the same is a true and correct copy of the original testimony.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon P. Wallington
Notary Public.

Brief of [illegible]

[illegible]

[illegible]

[illegible] Attorney

for Applicants.

DEPARTMENT OF THE INTERIOR, BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE, I. T., MARCH 2[illegible] 1903.

In the matter of the application of Jefferson J. Fields, for the enrollment of his wife, Eliza, a white woman and their children, Cora, Fennie, Mary Jane, Maudie, and Robert R. of himself and Eliza Fields, "Wee Burge", (Eliza) as an adopted white citizen of the Cherokee Nation and his children as citizens by blood.

" D 787".

In obedience to a notification to said Jefferson J. Fields, of the time for final hearing and closing of said case, by the commission, appeared by his attorney G. W. Benge, who in behalf of said applicants, agreed that the case be submitted to the Commission for final decision with leave of filing brief in behalf of said applicants.

"B R I E F".

The contention of said Jefferson Fields in behalf of his wife and minor children is, that his wife, Eliza, is an adopted white citizen of the Cherokee Nation, by reason of a common law, marriage, entered into between himself and Eliza, he being a recognized Cherokee Citizen by blood, and that the said marriage thus contracted having existed for more than fifteen years, and they now living together as such husband and wife, and by reason of said marriage, six children have been born to them, as above named, who have all been recognized and treated as Cherokee Citizens by blood in the distributions of money, and in the enrollment of such citizens, by the constituted authorities of the Cherokee Nation, as will be found on the roll of 1880, page "[illegible] No. 1015, Jefferson Fields, Delaware District Native Cherokee", On the roll of 1880, page "182, No. 1070, Jefferson J. Fields, Cooweescoowee District", and on page 304, No. 1[illegible], Lizzie Fields, No. 1[illegible], Cora Fields, No. 1[illegible], Fennie Fields, No. 1[illegible], Mary Fields, No. 1[illegible], Mary

J. Fields, all of the above named children whose names will correspond in age, will be found on the pay rolls as having received money as Cherokees by blood as authorized by the laws of the Cherokee Nation, and for the reason of having thus been recognized and treated as Cherokee Citizens by the authorities of the Cherokee Nation, should now be listed and enrolled as such, by the honorable Commission.

SECOND- The applicants should be enrolled as contended, because the common law marriage has always been recognized in the Cherokee Nation, until a very recent date, laws governing marriages have been enacted, and such enactments have always recognized such marriages.

THIRD- That in no instance where a white woman married a Cherokee man was there ever a petition and license required as is contemplated in Article, 81, of the Compiled Laws of the Cherokee Nation of 1892, but that such white women have and are recognized as Citizens of the Cherokee Nation by law, and treated as such by the authorities thereof.

FOURTH- Having been recognized as citizens of the Cherokee Nation, and received as participants upon all of the rolls containing only Citizens of the Nation, as well as having participants in the distribution of the Common Funds paid out per capita to the Citizens thereof, there is no good reason why the applicants should not now be classed as citizens of the Nation, in view of the lapse of more than fifteen years of such recognition with knowledge of the marriage aforesaid.

FIFTH- That a license should be issued to marry a white woman, was never contemplated; section 650 of the above article, page 288 provides that " every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, " Delaware, or Shawnee", woman, citizen of the Nation", and x x x

It will thus be seen that the only parties thus enabled to contract

by the terms of this section is, " every white man or citizen of the United States, or of any foreign state or government", of the first part, and a " Cherokee, Delaware or Shawnee, woman, citizen of the Cherokee Nation", on the other hand, are contemplated to be the contracting parties as provided for, the white man, or person referred to in all of this law, is in the masculine gender, and the other contracting party is the " Cherokee, Delaware, or Shawnee Woman", hence the female sex only is provided for under the provision of thei act, then it is plain that if the common law, marriage, is recognized, there was no necessity for a license, authorizing the marriage between Jefferson Fields and his present wife, Eliza, and from the law, custom and evidence in the case, we ask that the name of Eliza Fields be listed and enrolled as an adopted white citizen , and that of the children of herself and Jefferson Fields , as Cherokees by blood.

See section 330, page 722, of said marriage law, in the event of said death of such Cherokee man, or Cherokee woman, by such marriage, " the surviving widow, or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman," x x x x from this provision of law should Jefferson Fields diey his wife is protected in her citizenship as well as all other rights under the act. In the first three lines of said section it was contemplated that a white woman might become a citizen of the Cherokee Nation by intermarriage, and the protection of the rights of such anticipated white adopted citizens is provided for, and our conclusion is,that it was never contemplated that a license should be obtained in order that a Cherokee man might marry a white woman, but that it was contemplated that a white woman might become a citizen with rights and privileges as other adopted white citizens of the Nation. Then if the contracting parties Jefferson Fields and Eliza Fields, Nee Range", were capable of contracting a common law marriage, and there is nothing in the contrary shown, but on the other hand it is conclusive, we

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is shown by the faith of fifteen long years of such married life, and in consequence of said marriage, they have six children dependent on them as Father and Mother. " See an act providing for the census of the Cherokee Nation, x x x x approved April 15th 1893", (payment roll) also the Act providing for the taking of census (1896 roll) approved August 21st, 1896 and see Act approved Nov. 9th, 1896, providing for the revision of the Census authorized by the act of August 21, 1896, by all of the acts above cited the applicants have been recognized as citizens of the Cherokee Nation, and beneficiaries thereof, and in view of all of these facts, we again ask that the request of the applicants be granted.

Respectfully submitted,

G. W. Benge

Attorney for Applicant.

C O P Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., May 16, 1902.

In the matter of the application of Eliza Fields, for the enrollment of herself and children, as citizens of the Cherokee Nation. — Cherokee D-787.

CHIEF EXECUTIVE OFFICER OF THE CHEROKEE NATION.

The applicant, Eliza Fields, is a white woman; she seems to have lived with Jefferson J. Fields, a Cherokee by blood, for some 14 or 15 years, [illegible] some 6 children, for whom application is made.

There are two questions involved in this case. First: Her husband, and the father of her children, was previously married to a Cherokee woman by whom he had a number of children, and whom he held out to the community as his wife, treated her as such, gave her name to the Census Takers in 1880, and had her enrolled as wife and mother of his children. He was never divorced from this woman.

Second: Eliza Fields is a white woman, and she was never married to Jefferson J. Fields, and as above observed Jefferson J. Fields, was never divorced from his former wife, hence was not free to contract any union, either by civil or common law, with Eliza Fields; and if this union was illegal the children would be illegitimate and would necessarily follow the status of their mother.

Section 687 of the Cherokee Law provides: "No marriage shall be contracted while either of the parties has a husband or wife living." And Sections 688 and 689 provide how marriages shall be solemnized in the Cherokee Nation, which law has been effect long prior to 1880 and prior to the alleged common law union of Eliza Fields and Jefferson J. Fields.

Respectfully submitted,

W. W. Hastings,

Attorney for the Cherokee Nation.

W. H. M.

Cherokee D-787.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 25, 1902.

In the matter of the application of Eliza Fields, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JEFF FIELDS, being sworn, testified as follows:

By the Commission:
Q What is your name please? A Jeff Fields.
Q What is your age and postoffice? A My age is 49, postoffice is Collinsville.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Eliza.
Q Eliza Fields? A Yes sir.
Q What is her age, Mr. Fields? A About, why, I think about, I could not tell for certain, somewhere.
Q About 35? A 37, somewhere along there, I aint got no record of it.
Q Is she a white woman? A Yes.
Q Is she an applicant for enrollment as a citizen by intermarriage? A Yes.
Q When were you married to your wife, Eliza Fields? A Why, about 83 or 4.
Q Where were you married? A Why I was married on the road to Clerk McGhee's; up between Justice McGhee's and home.
Q Married in the Cherokee Nation were you? A Yes sir.
Q When? A It has been about 83 or 4; I aint certain which.
Q Married by Jeff McGhee, the Clerk of the district? A By a full blood preacher; they call him Tauneacie.
Q Is that preacher living? A No.
Q Were you ever married before you married your wife, Eliza Fields? A No.
Q She is your first wife? A I lived with a woman before, we was never married.
Q What's the name of the woman you lived with before? A Linie Adair.
Q How long did you live with Linie Adair? A I guess I lived with her something about 22 years, I guess.
Q 22 years? A Yes sir.
Q She was a Cherokee too, was she? A Yes.
Q Was she living when you married Eliza Fields? A Yes.
Q You never were divorced from her or anything? A No.
Q You say you were never legally married to Linie Adair? A No.
Q Just lived with her like the Cherokees used to take up with the women? A Yes.
Q Well now isn't at the only women you lived with as your wife before you lived with Eliza Fields? A Yes.
Q Well, did not you live with her and hold her up as your wife during those 20 years? A No, I took care of her and the kids until she married again.
Q But before that didn't you call her your wife? A I suppose I called her my wife.
Q The neighbors all understood her to be your wife? A Yes sir.
Q When did you commence living with Linie Adair? A Why, I was going on 18 years old; I could not tell how far back that would bring it.
Q Well now, were you legally married to Eliza Fields by a preacher? A Yes.

Q And have you and Eliza Fields lived together since your marriage all the time until now? A Yes.
Q She living now? A Yes.
Q You were living together on the first day of September, 1902, were you? A Yes sir.
Q You and Eliza ever been separated? A No.
Q Now these children, Cora, Fannie, May, Mary J., Maudie, Robert M. and Lula, are they all your children by Eliza? A Yes.
Q Are they all living now? A Yes.
Q Have they lived in the Cherokee Nation all their lives? ANowhere else.
Q Has your wife, Eliza Fields, lived here all the time since you were married up to the present time? A Yes.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick.

Subscribed and sworn to before me this 28th day of November, 1902.

P. G. Reuter,
Notary Public.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and the same is a true and correct ~~xxxxx~~ copy of the original testimony.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1903.

Simon R. Wallington
Notary Public.

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To be filed with Cherokee D-787.

AAD.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., January 9, 1903.

In the matter of the application of Jefferson J. Fields, for the enrollment of himself as a citizen by blood of the Cherokee Nation.

Supplemental to #6345.

Appearances.
Applicant appears in person.
Cherokee Nation by J. C. Starr.

Jefferson J. Fields, being duly sworn, testified as follows:
Examination by the Commission.

Q What is your name? A Jeff Fields.
Q Jefferson J. Fields? A They always call me Jeff Fields.
Q Your full name is Jefferson? A Yes sir.
Q How old are you? A I guess I am about 50 next February.
Q What is your postoffice ? A Collinsville.
Q Are you a Cherokee by blood? A Yes sir.
Q Your name appears upon the roll of 1880? A Yes sir.
Q Have you been living in the Cherokee Nation since 1880?
A Yes sir, always; nowhere else.
Q You have never made your home outside of the Cherokee Nation at any time? A I might have been out a little time at the time of the war.
Q You have never been out since 1880? A No sir.
Q What is your wife's name? A Eliza.
Q Is she a white woman? A Yes sir.
Q When were you married to Eliza? A Well the best I can recollect it was in '82 or 3, I don't know which.
Q Is Eliza your first wife? A No.
Q You had been married before had you? A No, I wasn't married before, I lived with a woman.
Q What was her name? A Linia Adair was her name.
Q You say you were never married to her? A No.
Q How long did you live together? A I couldn't tell for certain; I had eight or ten children.
Q You had eight or ten children by Linia Adair? A Yes sir.
Q When did you take up with Linia Adair? A I couldn't tell, it has been so long back.
Q How old were you do you remember? A I was about growing on 18.
Q About 18? A Yes sir.
Q When you took up with Linia, you began to live with her as your wife? A Yes sir.
Q You lived together as husband and wife? A Yes sir.
Q There was no marriage ceremony? A No sir.
Q You were living with her in 1880 weren't you? A I guess I was.
Q She is on the 1880 roll with you under your name? A I guess so.
Q You raised how many children by her? A 8 or 9 I guess.
Q And you lived together as husband and wife during all that time?
A Yes sir.
Q Those children were born while you were living together?
A Yes sir.
Q Were you ever divorced from your wife Linia? A No, I didn't think I had to have a divorce, we weren't married.

Q When did you and Linia separate? A O , it has been a good while back. I couldn't tell you for certain.
Q About how long was it before you married your wife, Eliza?
A Oh, it wasn't but a short time. She was living on the place. I kept them up all the time. I kept them up I guess until about 8 years back. I guess it was about 8 years.
Q You supported your first wife and her children up to 8 years ago, did you? A Yes sir.
Q you say you married your wife Eliza about 1882? A Yes sir.
Q Had she ever been married before she married you? A No.
Q Had you ever been married to any other woman besides Linia ?
A No sir.
Q Never lived with any one else besides Linia? A No sir.
Q Were you and Eliza married by a preacher? A Yes sir; married by a Cherokee preacher by the name of Tawneesee.
Q Where was that? A Between my place and McGee's.
Q Did he give you a marriage certificate? A No.
Q Is that preacher living now? A No, he is dead.
Q Is there anybody living who saw you married? A No sir; there was nobody there.
Q Did you have any witnesses? A No.
Q Just you and your wife and the preacher? A Yes sir.
Q That is all that was there? A Yes.
Q Have you been living with Eliza ever since that time? A Yes.
Q Have you any children by her? A Yes.
Q Is Cora Fields your daughter? A Yes sir.
Q Eliza is her mother? A Yes.
Q Eliza is also the mother of Fannie? A Yes.
Q And May? A Yes.
Q Mary J .? A Yes.
Q Maudie ? A Yes.
~~Q Robert R.? A Yes.~~
Q And Lula? A Yes.
Q You have no other children by Eliza? A No sir.
Q These children have lived with you and your wife Eliza ever since they were born? A Yes.
Q Eliza has been living with you ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ in the Cherokee Nation ever since ~~xxxx~~ you were married? A Yes.
Q Now, you are sure about that marriage ceremony, are you, Mr. Fields? A I guess there was.
Q You didn't have a marriage license? A No, I didn't have no license. He didn't have to get it then.
Q You didn't take up with Eliza like you took up with your first wife? A No, sir.
Q You didn't regard Linia as your lawful wife? A Oh, I did a while.
Q You held her out as your wife didn't you? A Yes, at the start.
Q For a good many years? A Yes.
Q Where are your children by your first wife, Linia, now?
A Some of them are with me now; three of them are with her. Joe, he is down here at his sisters, Fred Smith's.
Q Who is Joe, that is your son by your ~~first~~ wife, Linia? A Yes, sir.
Q Jeff is your son by Linia? A Yes sir.
Q Who is George Fields? A That is my son to.
Q You never applied for the enrollment of any of your children by your wife, Linia? A No. Fred Smith put down Joe for me. He is going to school here.
Q Joe is? A Yes sir.
Q How old is Joe? A I guess he is about 13 or 14.
Q Fred Smith made application for his enrollment? A I think Fred did it, I ain't certain .
Q You never applied for them, did you? A No, I told Fred to put it down. I think he put it down. He is going to school here. The others put their name down themselves, George and Jeff.

Q Your wife Eliza was a single woman when you married her? A Yes, sir, shehad been married before.
Q What was her first husband's name? A Well, her first man's name was Schrimpsher.
Q Was he dead when you married her? A Yes sir, he is dead.
Q Was he dead when you were married? A Yes; I think so.
Q Did you know him? A Yes, I saw him a time or two. He got killed up near Cary's ferry.
Q Was that before you married Eliza? A Yes sir.
Q Is that the only husband she ever had except you? A Well, I don't know. That is all I know.

Examination by Mr. Starr.

Q Were did this man Schrimpsher live when he lived with your wife, Eliza? A Why, above Carey's ferry, over there.
Q Which side of the Grand river? A North side.
Q Where was he killed? A Why, he was killed at Jim Duncan's. Jim Duncan killed him. White Duncan, they called him.
Q Near Carey's ferry? A Yes, sir.
Q Do you know what hmx year he was killed? A No, I don't.
Q In what year were you married to Eliza? A I can't tell you to save my life.
Q What is the name of your oldest child by Eliza? A By Eliza?
Q Yes sir. A Cora.
Q How long had you been married to Eliza before Cora was born?
A Oh, I guess about a little over 12 months, I guess.
Q Are you sure of that? A Somewhere along there. I coulon't say for certain.
Q You had been married to Eliza about a year, then, before Cora was born? A I ain't certain. It may not have been so long.
Q How long had Schrimpsher been killed before you married Eliza?
~~Q Eliza wasn't the one. That was Linia.~~

BY THE COMMISSION:
Q It was your wife Linia that had been married to Schrimpsher?
A Yes sir.
Q Your wife Eliza had never been married to any one else? A No.

It is ordered that a copy of this testimony be filed with and made a part of the record in Cherokee doubtful case number D-787.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the FiveCivilized Tribes he reported the above entitled case and that the foregoin is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 10th day of January, 1903.

John O. Rosson
Notary Public.

SEAL.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and thexsame is a true and correct copy of the original testimony.

R Palmer

Subscribed and sworn to before me this 8th day of January, 1904.

Simon R. Wallingford
Notary Public.

C 787

COMMISSION [illegible] IVE CIVILIZ[illegible]

FILED

Jan. 12, 1903

[illegible] ACTING CHAIRMAN

Copy

Duplicate

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Vinita, I. T., Jan. 9 A. D. 1903

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

Card Number	NAME	Relationship to Person First Named	Age
D 787	Eliza Fields		32
D 787	Cora Fields	Daw	16
D 787	Fannie Fields	Daw	14
D 787	May Fields	Daw	11
D 787	Mary J. Fields	Daw	9
D 787	Maudie Fields	Daw	6
D 787	Robert R. Fields	Son	4
D 787	Lula Fields	Daw	1

Represented by Jefferson J. Fields, Husband of Eliza Fields and Father of her Children above named.

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby, Chairman.

J. G. Reuter, Enrollment Clerk.

J.O.R.

Cherokee D #787

Jeo

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record herein shows that on November 13, 1900, Jefferson J. Fields appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and minor children, Cora, Fannie, May, Mary J., Maudie and Robert R. Fields, as citizens by blood of the Cherokee Nation; on January 6, 1902, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Lula Fields subsequent to the date of the original application. Said application also included Eliza Fields, wife of said Jefferson J. Fields, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation but, the status of such persons not being fixed at this time, the said Eliza Fields is not embraced in this decision. The said Jefferson J. Fields is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 22, 1902, and at Vinita, Indian Territory, on January 9, 1903. A copy of the testimony taken at Nowata, Indian Territory, on October 16, 1900, in the matter of the application of Lena Stalsworth, has been filed with and made a part of the record herein.

The evidence shows that the applicants, Cora, Fannie, May and Mary J. Fields, are identified on the 1896 census roll of the Cherokee Nation as native Cherokees, and that the applicants, Maudie, Robert R. and Lula Fields, are identified by birth affidavits made a part of the record herein, and that all of said minor applicants are the children of the said Jefferson J. Fields, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

Cherokee D #787

The evidence further shows that all of the minor applicants herein have resided in the Cherokee Nation with their parents since birth.

It is, therefore, the opinion of this Commission that Cora Fields, Fannie Fields, May Fields, Mary J. Fields, Maudie Fields, Robert R. Fields and Lula Fields should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Stanley
Commissioner.

Muskogee, Indian Territory,

this SEP 18 1900

Cherokee D-787.

Vinita, Indian Territory, January 10th, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Eliza Fields, et al, Cherokee D-787, it appears from the records of this division that a decision was prepared in this case on December 21st, 1902, and that such decision, together with the original papers in the case, are in the possession of the Commission at Muskogee.

On January 9th, 1903, supplemental testimony was taken at Vinita, Indian Territory, in the matter of the application of Jefferson J. Fields, Cherokee #8345, and the same was ordered to be filed with and made a part of the record in the case of Eliza Fields, et al.

A copy of that testimony is herewith transmitted, so that the same may be embodied in the decision that has been prepared.

Respectfully,

Clerk in Charge.

Enc. 6-4.
JOC.

COPY.

Cherokee D-787.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jefferson J. Fields for the enrollment of his seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Chairman.

Enc. D-10

C O P Y.

Cherokee D-787.

Muskogee, Indian Territory, October 13, 1903.

Jefferson J. Fields,

Collinsville, Indian Territory.

Dear Sir:-

There is herewith enclosed copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert B., and Lula Fields, as citizens by blood of the Cherokee Nation.

Respectfully,

Chairman.

Enc. D-114.

Re ister.

COPY.

Cherokee D-787.

Muskogee, Indian Territory, October 13, 1903.

G. W. Bonge,

Attorney for Jefferson J. Fields, et al.,

Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jefferson J. Fields, for the enrollment of his seven minor children, Cora, Fannie, May, Mary J., Maudie, Robert R. and Lula Fields as citizens by blood of the Cherokee Nation.

Respectfully,

Chairman.

Enc. D-115.

Register.

Cher 10333
Minerva W. Yarborough
Trans. from D875

Cher 10333

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 3, 1900.

In the matter of the application of George S. Yarborough, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation; said Yarborough being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George S. Yarborough.
Q How old are you? A I am forty years old.
Q What is your postoffice? A Neosho, Missouri.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled? A My wife and four children
Q Do you apply for yourself too? A Yes sir I am a citizen by marriage.
Q Your postoffice is in Missouri, but your home is in the Cherokee Nation? A My home proper is, but I am a Methodist preacher and am stationed at Neosho.
Q You are a white man are you? A Yes sir.
Q Your wife is a Cherokee by blood? A Yes sir.
Com'r--- The applicant presents a license issued by the Clerk of Cooweescoowee District, June 6, 1889, authorizing marriage between himself and Miss Minerva Wade; the certificate shows that they were united in marriage on the 11th of the same month and within the same year by the Rev. Theo F. Brewer. This is filed herewith.
Q Now have you and your wife lived together ever since you were married to her in 1889? A Yes sir.
Q Were you ever married except to this wife? A Yes sir.
Q How often were you married before? A Once.
Q Was your former wife dead when you married this wife? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Your wife's full name is Minerva W. Yarborough? A Yes sir.
Q How old is she? A She is 29 years old.
Q Give me the name of her father? A Florence Wade.
Q Is he dead? A No sir.
Q Give me the name of your wife's mother? A Brenice Waide Wade.
Q Is she dead? A No sir.
Q Now has your wife made her home in the Cherokee? A Yes sir, all her life until we married and she has been sent out with me.
Q But with that exception she has lived here all of her life?
A Yes sir.
Q Do you vote outside of the Cherokee Nation? A No sir, only in town elections.
Q You do not vote for Congressman? A No sir.
Q Nor for Governor? A No sir.
Q Have you or your wife any property in the Cherokee Nation?
A Yes sir, we have a farm up here at Bluejacket.
Q How long has she had that farm? A Three years; we had one down on Dog Creek before that.
Q You have kept some land interests here all the time? A Yes sir.
Q Give me the names of your children please? A Samuel A.
Q How old is that child? A Six years old.
Q What is the name of the next child? A Minerva.
Q How old is she? A Four years.
Q What is the next child? A Bessie.
Q How old is Bessie? A Two years.
Q The next child? A Roy; two months old.

George C. Yarborough--2.

Q These children are all living now are they? A Yes sir these four are living.
Q None of them are a mile name except Samuel? A No sir.
1900 roll, page 873, #2617, Minerva Wade, Tahlequah.
Q You are on the 1896 roll were you? A Yes sir, was not here at the time but Mr. Duncan who looks after my business enrolled myself and wife on two tickets; I filed certificates and sent them in.
Q Your wife drew Cherokee Strip money did she? A Yes sir.
1894 roll, page 505, #3485, Minerva Yarborough, Tahlequah.
Q Did you hear of there being any trouble about your name being put on the roll of 1896? A No sir.
Q Do you know of any objection? A No sir.
Q When that roll was taken you were away on duty? A I was at Neosho, Missouri.

Com'r Breckinridge--The applicant applies for the enrollment of himself, his wife and four children. His wife is identified on the roll of 1880 as a native Cherokee. She is also identified on the roll of 1894 under her married name, and her marriage is established by the license and certificate filed herewith. She is not identified on the roll of 1896, but the applicant states that it is due to her being with him at Neosho, Missouri where he is filling the charge under appointment as a Methodist Minister. He states that his ministerial duties sometimes require him to be in the Cherokee Nation and to a large extent takes him out, but that he and his wife, have retained interests in the Cherokee Nation and always claim it as their home and so now. It is considered that the claim of residence is quite well established by the testimony of the applicant and that their omission from the roll of 1896 was due to neglect, he having taken steps to have them put upon that roll, ~~but in order that the full Commission shall pass upon the question~~ it will be taken under advisement at this time and will be listed upon a white card, his wife being classed as a Cherokee by blood. The applicant is shown to have married his wife in accordance with the Cherokee law in 1889; they have lived together ever since. He was once previously married but his former wife was dead before he married his present wife; his present wife was never previously married. Through the same apparent neglect as in the case of his wife, his name does not appear upon the roll of 1896. He is a white man. He is considered to have acquired citizenship by the Cherokee marriage as established by the license and certificate filed herewith, but for the further consideration of his case, as indicated ~~for~~ the application for his wife, he will be classed now as a Cherokee by intermarriage upon a white card. The two older children, Samuel A., and Minerva, were omitted like their father and mother, from the roll of 1896, and the two younger children, Bessie and Roy, are both of insufficient age to be upon the roll of 1896. These children will all four be classed as Cherokees by blood, but as none of them are upon any roll, the applicant is desired to supply the Commission with certificates of their birth.; they will be placed upon a white card for the present with their parents.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 3rd day of December, 1900.

T. B. Needles
Commissioner.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he copied the fore-

going testimony, and the same is a true and correct copy of the original.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1908.

Simon P. Wallington
Notary Public.

LED
Dec. 3, 1900.

M. Copy

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Dec. 3 1900 1900.

1 (40) Name George S. Yarborough, Arcadia, Mo.

District Year 1896 Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes Married

Married under what law Cherokee Date of marriage 1889

License Certificate

2 29 Wife's name Minerva W. Yarborough, nee Wade

District Year 1880 Page 823 No. 2617

Citizen by blood Yes Mother's citizenship Florence Wade — 2

Intermarried citizen No Brenice M. " — 2

Married under what law Date of marriage

License Filed Dec. 3 1900 Certificate Filed Dec. 3. 1900.

Names of Children:

3	Samuel A. Yarborough	Dist.	Year 1896	Page	No.	Age 6
4	Minerva "	Dist.	Year	Page	No.	Age 4
5	Bessie "	Dist.	Year	Page	No.	Age 2
6	Roy "	Dist.	Year	Page	No.	Age 2 Mo.
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

Denied

2 on 1880 roll as Minerva Wade

3, 4, 5 and 6 affidavits to be supplied.

D 875 D

IN RE

Application for Enrollment of

INFANT CHILD

Bessie Yarborough

as a citizen of the

Cherokee Nation.

Approved DEC 3 1900

F. B. Needles

Commissioner.

Dec. 3, 1900

Card # D 875.

Copy 1

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Bessie Yarborough (Here insert name of child), born on the 19 day of September, 1898
Name of Father: Geo. S. Yarborough, a citizen of the Cherokee Nation.
Name of Mother: Minerva Wade Yarborough, a citizen of the Cherokee Nation.
Post-Office: Neosho, Missouri

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~ State of Missouri
~~District~~ County of Newton

I, Minerva Wade Yarborough, on oath state that I am twenty nine years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Geo. S. Yarborough, who is a citizen, by marriage, of the Cherokee Nation, that a female (Male or female) child was born to me on the 19 day of September 1898; that said child has been named Bessie Yarborough, and is now living.

Minerva Wade Yarborough

WITNESSES TO MARK
(Must be Two Witnesses)
W. F. Stout
Harold E. Geyer

(Seal)

Subscribed and sworn to before me this 27th day of November 1900.
My term expires July 15, 1902.

J. C. Geyer
Notary Public.
Newton Co. Mo.

AFFIDAVIT OF ATTENDING PHYSICIAN, ~~OR MIDWIFE~~.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, C. G. Vanbleare M.D., a, on oath state that I attended on Mrs Minerva Wade Yarborough, wife of Geo. S. Yarborough, on the 19 day of September, 1898; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Bessie Yarborough

C. G. Vanbleare

WITNESSES TO MARK
(Must be Two Witnesses)
J. M. Gannin
M. J. Kelly
Harold E. Geyer

(Seal)

Subscribed and sworn to before me this 28th day of November 1900.
My term expires July 15, 1902.

J. C. Geyer
Notary Public.
Newton Co. Mo.

D 875 E

IN RE

Application for Enrollment of

INFANT CHILD

Roy Garborough

as a citizen of the

Cherokee Nation.

Approved DEC 3 1900

T. B. Needles

Commissioner.

Dec. 3, 1900.

Ex. E # 1875.

BIRTH AFFIDAVIT. 20 Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Roy Yarborough (the present name of child), born on the 29 day of September, 1900
Name of Father: Geo. S. Yarborough, a citizen of the Cherokee Nation.
Name of Mother: Minerva Wade Yarborough, a citizen of the Cherokee Nation.
Post-Office: Neosho Missouri.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY,~~ District. } State of Missouri, County of Newton

I, Minerva Wade Yarborough, on oath state that I am Twenty nine years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Geo. S. Yarborough, who is a citizen, by marriage, of the Cherokee Nation, that a male (Male or female) child was born to me on the 29 day of September 1900; that said child has been named Roy Yarborough, and is now living.

Minerva Wade Yarborough

WITNESSES TO MARK (Must be Two Witnesses) { D. G. Stout, Harold G. Geyer

(Seal) Subscribed and sworn to before me this 27th day of November 1900.
My term as Notary Public expires July 18, 1902. J. C. Geyer
Notary Public.
Newton Co. Mo.

AFFIDAVIT OF ATTENDING PHYSICIAN, ~~OR MIDWIFE~~

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY,~~ State of Missouri ~~District~~, County of Newton }

I, J. H. Lamon, a Physician, on oath state that I attended on Mrs. Minerva Wade Yarborough, wife of George S. Yarborough on the 29th day of September, 1900; that there was born to her on said date a male (Male or female) child; that said child is now living and is said to have been named Roy Yarborough

J. H. Lamon, M.D.

WITNESSES TO MARK (Must be Two Witnesses) { C. G. Vanblaare, M. J. Kelly, Harold G. Geyer

(Seal) Subscribed and sworn to before me this 28th day of November 1900
My term expires July 18, 1902. J. C. Geyer
Notary Public
Newton Co. Mo.

51

IN RE

Application for Enrollment of

INFANT CHILD

Samuel A. Yarbrough

as a citizen of the

Cherokee Nation.

Approved Feb. 18 1901

T. B. Needles

Commissioner.

Feb. 18 1901

Card # D875.

BIRTH AFFIDAVIT. 20 Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
of Samuel A. Yarborough (Here insert name of child), born on the 20th day of July, 1894 ~~190~~
Name of Father: George S. Yarborough, a citizen of the United States ~~Nation.~~
Name of Mother: Minerva W. Yarborough, a citizen of the Cherokee Nation.
Post-Office: Neosho, Missouri.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY,~~
State of Missouri District.
County of Newton

I, Minerva W. Yarborough, on oath state that I am 29 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of George S. Yarborough, who is a citizen, by marriage, of the Cherokee Nation, that a male (Male or female) child was born to me on the 20th day of July 1894 ~~190~~; that ~~said child has been~~ named Samuel A., and is now living.

Minerva W. Yarborough

WITNESSES TO MARK
(Must be Two Witnesses) F. M. Pearce
M. J. Kelly

Subscribed and sworn to before me this 8th *day of* February *1901.*
My term expires January 13th 1903.
M. J. Kelly
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
District.

I, Robert L. Wills, a Physician ~~Surgeon~~, on oath state that I attended on ~~Mrs.~~ nursing Mrs. Yarborough, wife of George S. Yarborough, ~~on the 2nd day of~~ August, 1894 ~~190~~; ~~that there was born to her on said date a~~ ~~child~~; that said child is now living and is said to have been named Samuel A. (Male or female)

Robert L. Wills M.D.

WITNESSES TO MARK
(Must be Two Witnesses) M. J. Kelly

Subscribed and sworn to before me this 18th *day of* February *1901.*
M. J. Kelly
Notary Public.

G

IN RE

Application for Enrollment of

INFANT CHILD

Minerva Yarborough

as a citizen of the

Cherokee Nation.

Approved Sept. 18 1901

G. B. Needles

Commissioner.

Commissioner

J Sept. 18, 1901

Cert No D 875.

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Minerva Yarborough (Here insert name of child), born on the 20th day of October, ~~1896~~
Name of Father: George S. Yarborough, a citizen of the United States ~~Nation~~.
Name of Mother: Minerva W. Yarborough, a citizen of the Cherokee Nation.
Post-Office: Neosho, Missouri

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY~~,
State of Missouri ~~District~~.
County of Newton

I, Minerva W. Yarborough, on oath state that I am 29 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of George S. Yarborough, who is a citizen, by marriage, of the Cherokee Nation, that a female (Male or female) child was ~~born to me on the 20th day of October 1896~~; ~~that said child has been~~ named Minerva, and is now living.

Minerva W. Yarborough

WITNESSES TO MARK
(Must be Two Witnesses) { L. W. Pearce
W. J. Kelly

(Seal)

Subscribed and sworn to before me this 8th day of February 1901.
My term expires January 13th 1903.

W. J. Kelly
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY~~,
~~State of Missouri County of Newton District~~.

I, C. G. Van Cleave, a physician, on oath state that I attended on Mrs. Minerva W. Yarborough, wife of George S. Yarborough on the 20th day of October, ~~1896~~; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Minerva

C. G. Van Cleave M.D.

WITNESSES TO MARK.
(Must be Two Witnesses) { Zeb Mobley
H. J. Geyer

(Seal)

Subscribed and sworn to before me this 12th day of February 1901.
My term expires Jany 18th 1903.

W. J. Kelly
Notary Public.

C O P Y.

AFFIDAVIT.

UNITED STATES OF AMERICA.)
STATE OF MISSOURI.)ss
COUNTY OF NEWTON.)

I, George S. Yarborough, on oath state that I am the husband of Minerva W. Yarborough, to whom a male child was born on 20th day of July, 1894; that the said child was named Samuel A., and is still living, and that when the child was born, my wife was at the Springs, within a few miles of the city of Rogers, in the state of Arkansas; that Doctor Green, the doctor who waited upon my wife during her confinement, has since removed from the vicinity of Rogers, Arkansas; that I have made diligent search for him but have been unable to find him. I further state upon my oath that to the best of my knowledge and belief, from the information that I have obtained, the said Doctor Green is now dead.

(Signed) Geo. S. Yarborough.

Subscribed and sworn to before me this 13th day of February, 1901

My term expires January 13, 1903.

M. J. Kelly

Notary Public.

Witnesses:

H. D. Geyer

John T. Sturgis.

Supl. C . D. #875.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of George S. Yarborough, et al, as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 19, 1902, that his application for enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of the Commission's and the applicant this day to-wit: the 11th day of March, 1902, appears in person.

Mr. W. W. Hastings Cherokee Representative, present.

GEORGE SEALS YARBOROUGH, being duly sworn testified as follows in his own behalf:

BY THE COMMISSION:

Q What is your name? A George Seals Yarborough.
Q How old are you? A I am 41 years old.
Q What is your postoffice address? A Present postoffice address is Neosho, Mo.
Q You are an applicant before the Commission for enrollment of yourself, wife and children as citizens of the Cherokee Nation.?
A Yes sir.
Q Is there any statement that you desire to make relative to your application? A Why if the statement is already made is sufficient I appear before the Commission if you remember at Tahlequah and made a statement there; if there is anything else that you would like to know.
Q Did you submit the case to the Commission for final consideration?
A Yes sir.

Commission: The applicant and representative of the Cherokee Nation present, submit the case, the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. O. Rosson, do hereby certify upon my official oath, as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.
Stenographer.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct ~~transcript~~ copy of the original.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1903.

Simon P. Wallington
Notary Public

Cherokee D-875.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 30, 1902.

In the matter of the application of George S. Yarborough, for enrollment as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Minerva W., and his children, Samuel A., Minerva, Bessie and Roy as citizens by blood of the Cherokee Nation.

George S. Yarborough, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A George S. Yarborough.
Q How old are you? A 42 years.
Q What is your postoffice address? A Neosho, Missouri.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Minerva W. Yarborough.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you and your wife, Minerva married? A The 12th day of June, 1889.
Q Had you ever been married before you married this wife? A Yes.
Q How many times had you been married? A Once.
Q Was your first wife a white woman? A Yes sir.
Q What was her name? A Adelia Keys.
Q Where you married to her? A Boyd County, Georgia.(Floyd County)
Q Was she living or dead when you married Minerva? A Dead.
Q Had your wife, Minerva ever been married prior to her marriage to you? A No sir.
Q You are her first husband and she is your second wife? A Yes sir
Q You and Minerva have lived together as husband and wife from the date of your marriage up to the present time? A Yes sir.
Q You and she never were separated? A No sir.
Q Were you and she living together as man and wife on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived here eight years. You see I am a minister and I have been cut off and on for the last eight years.
Q Let me see how much time you have spent in the Cherokee Nation. When were you married? A The 12th of June, 1889.
Q Where were you married? A At Spaulding college, ~~xxxx~~ it was called Harold when I was married.
Q How long did you stay in the Territory after you were married to your wife in 1889? A We staid four years.
Q That's in 1893--you staid until 1893? A Yes.
Q Then where did you go? A My health failed and the conference changed me to Silome Springs for ten months and then I came back here.
Q Then you were transferred to Arkansas by the conference and staid at Silome Springs ten months? A Yes sir.
Q What time of the year didkyou go to Silome Springs? A In the fall of the year of 1893.
Q And you staid there until sometime in 1894, to when? A It was October as well as I can remember when I came back.
Q October, 1894? A Yes sir.
Q You came back here? Where did you come to in the Territory?
A I came to South Mc Alester and then went to Afton.
Q You came back and went to Afton in the fall of 1894? A Yes ..
Q How long did you stay at Afton? A One year.

2-Cher. D-875.

Q That took you until 1895? A Yes sir.
Q Then where did you go? A Neosho, Missouri.
Q You went there in the fall or spring? A Fall of 1895.
Q How long did you stay at Neosho? A I have been there since the fall of 1895.
Q You or your wife or children have not lived in the Territory actually lived in the Territory since the fall of 1895 have you? A No sir.
Q You have lived in Neosho Missouri, with your wife and children since 1895? A Yes sir.
Q And your wife and children have went around with you to all of these places you speak of? A No, not all of them. They didn't go to all of them. When the conference moved me they would not go with me to the conference. The conference had me doing evangelist work.
Q You traveled around but your home has been in Neosho since 1895? A Yes sir.
Q Have you got any farm in the Cherokee Nation? A Yes, I have had property in the Cherokee ~~xx~~ Nation ever since I was married.
Q What does it consist of? A Three hundred and twenty acres of land, with a house and well and outbuildings.
Q You have never lived on the farm yourself? A No sir.
Q Your wife has not lived there since your marriage? A No sir.
Q You have simply kept it rented out? A Yes sir.

Frances R. Lane upon oath, states that as stenographer to the Commission to the Five Civilized, she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane.

Subscribed andsworn to before me this November 11, 1902.

SEAL

B. C. Jones,
Notary Public.

R. Palmer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing testimony, and the same is a true and correct copy of the original.

R. Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon R. Wallingford
Notary Public.

DEC 30 1909
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

District.

[illegible] Gospel, hereby certify that on [illegible], 1909, I joined in marriage, Mr. Geo. S. Yarbrough, a citizen of the United States, and [illegible] Indian female, a citizen of the Cherokee Nation, a female to the best of my knowledge and belief, given in the within License and the chief [illegible] laws of the Cherokee Nation.

Given under my hand this the 12 day of June, A.D. 1909.

Geo. B. Brewer.

Marriage License.

Cherokee Nation, I.T.,

District.

To Any Person Legally Authorized to Solemnize Marriage--

Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Rev.George S.Yarborough, a citizen of the United States and Miss Minerva Wade, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 6th day of June, A.D.1889.

J.E.Campbell,

Dept.Clerk Cooweescoowee District. C.N.

Cherokee Nation, I.T.,

District.

I, Theo.F.Brewer, a minister of the Gospel, hereby certify that on the 12 day of June, 1889, I joined in Marriage, Mr.Geo.S.Yarbrough, a citizen of the United States, and Miss Minerva Wade, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 12 day of June, A.D.1889.

Theo.F.Brewer.

I hereby certify that the foregoing Marriage License has been duly recorded as provided by law, this 26" day of June, A.D.1889.

Wm.O.Carey, Clk.Cooweescoowee Dist.

C.N.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of George S.Yarborough, et al. D 875.

Nitta Chick

Cherokee D #675

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minerva W. Yarborough and minor children, Samuel A., Minerva, Bessie and Roy Yarborough, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on December 3, 1900, George S. Yarborough appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Minerva W. Yarborough, and minor children, Samuel A., Minerva, Bessie and Roy Yarborough. Said application also included the said George S. Yarborough, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said George S. Yarborough is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11 and October 30, 1902.

The evidence shows that the said Minerva W. Yarborough is a citizen by blood of the Cherokee Nation and that she is identified on the 1880 authenticated roll and the 1894 Strip payment roll of the Cherokee Nation as a native Cherokee. All the minor applicants herein are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that the applicant, Minerva W. Yarborough, was born in the Cherokee Nation and resided in the Indian Territory until about four years after her marriage when, in 1893, she removed with her husband to the State of Arkansas; that, in 1894, they removed to Afton, Cherokee Nation, where they resided for one year, when they again left the Indian Territory, moving to the State of Missouri; that her husband is a minister and their absence from the Cherokee Nation has been due to the fact that he was sent elsewhere by the church; that, during all the time they were absent from the Cherokee Nation, they owned improvements on lands therein and claimed said nation as their home.

Ch. D 6078

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 6937, that Minerva V. Yarborough, Samuel A. Yarborough, Minerva Yarborough, Bessie Yarborough and Roy Yarborough should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.
Chairman.

SIGNED. T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

SIGNED. W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this SEP 18 1906

175

Cherokee Roll.

Muskogee, Indian Territory, October 11, 1902.

George T. Harborough,

Neosho, Missouri.

Dear Sir:

The Act of Congress, approved July 1, 1902, (Public No.341), and ratified by the citizens of the Cherokee Nation August 12, 1902, provides that "the roll of citizens of the Cherokee Nation shall be made up of September first, nineteen-hundred and two."

In accordance with said provision you are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as a citizen by intermarriage on September 1, 1902. It will also be necessary that you introduce further evidence as to your residence in the Indian Territory.

Please give this matter your prompt attention, as the evidence requested is necessary in determining your right to share in the allotment of lands in the Cherokee Nation, and until the same is furnished no further action will be taken looking toward your final

George E. Hatchenbach,

enrollment as a citizen by intermarriage of the Cherokee Nation.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner to Cherokee.

COPY.

Cherokee D-675

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of George S. Yarborough for the enrollment of his wife, Minerva W. Yarborough, and his minor children, Samuel A., Minerva, Bessie and Joy Yarborough, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-675 Chairman.

C O P Y .

Cherokee D-875.

Muskogee, Indian Territory, October 12, 1903.

George S. Yarborough,

Neosho, Missouri.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your wife, Minerva W. Yarborough, and your four minor children, Samuel A., Minerva, Bessie and Roy Yarborough, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-111.

Register.

Cher 10334

William O. Jordan

Trans. from D1085

Cher 10334

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 8, 1901.

IN THE MATTER OF THE APPLICATION of James L. Jordan for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name?
A James L. Jordan.
Q How old are you?
A Twenty eight.
Q What is your post office?
A Tulsa.
Q In what district do you live?
A Cooweescoowee.
Q Who is it you want ~~you~~ to have enrolled?
A I want to enroll myself and family.
Q Have you a wife?
A Yes sir.
Q How many children have you?
A Three.
Q Are you a Cherokee by blood?
A Yes sir.
Q Is your wife a Cherokee by blood?
A No sir.
Q A white woman?
A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir.
Q How long have you lived in the Cherokee Nation?
A I was partly raised here and partly raised out west in the strip.
Q How long have you been living continuously in the Cherokee Nation now?
A Little over three years.
Q Where were you before that?
A Part of the time in Oklahoma and part of the time in the Nation.
Q Where were you born?
A In Texas.
Q When did you first come to the Cherokee Nation?
A '74.
Q Have you lived in the Indian Territory ever since?
A No sir, not all the time. I lived in Oklahoma part of the time.
Q Were you living out there when Oklahoma was opened in 1893?
A Yes sir.
Q And did you live there until three years ago?
A I was back here living here before 1896.
Q How long did you stay?
A Something over a year at that time.
Q You came in the Spring of 1895 then?
A Yes sir.
Q Then you went back to Oklahoma?
A Yes sir.
Q How long did you stay there?
A I dodnet just know.
Q When did you come back again?
A About three years ago.
Q In 1897 or 1898?
A '97 I believe it was.
Q What did you do when you went to Oklahoma the last time?
A I sold my place and stock.
Q What time of the year was it you came here last?
A In the Spring.

Q Will it be three or four years this coming Spring? A Three years.
Q You came back then in the Spring of 1893? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose so, I have been enrolled several times.
Q Are on any of the rolls of the Nation? A Yes sir.
Q Give me the name of your father? A John W. Jordan.
Q He is livi[illegible] A Yes sir.
Q Give me the name of your mother? A At the time of her death, her name was Haines.
Q Give me her given name? A Sarah.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Mamy Emaline.
Q How old is your wife? A 24.
Q When were you married to her? A December 14, 1890.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you lived together ever since you were married. A Yes sir.
Q Did she come with you to the Cherokee Nation in the Spring of 1893?
A Yes sir.
Q Have you a certificate of your marriage? A No sir.
Q Give me the names of your children? A William Owen.
Q How old is that child? A Seven.
Q The next child? A Ruthy May.
Q How old is that child, A Six.
Q The next child? A The next one is a baby three months old.
Q What is its name? A Mary.
Q About three months old? A Yes sir.
Q You have never been admitted to Cherokee citizenship by Cherokee Commission or Counsel? A No sir, I never applied.
Q Did you ever apply to the Dawes Commission or the U. S. Court for admission? A No sir.

(1880 authenticated roll of citizens of the Cherokee Nation examined and the name of the applicant is found thereon as follows:
Page 27, No. 768, J. L. Jordan, Canadian District, native Cherokee; 7 years of age.)
(1896 Census roll of citizens of the Cherokee Nation examined and the names of the applicatn his wife and children are found therein as follows:
Page 372, No. 984, James L. Jordan, Illinois District.
Page 930, No. 104, Nancy M. Jordan, Illinois District.
Page 372, No. 985, Willie Jordan, Illinois District.
Page 372, No. 986, Ruthie Jordan, Illinois District.

By Mr. W.W.Hastings, Cherokee representative -
Q When did you move to the Cherokee strip? A I went out there I believe in some time in '80.
Q The year of 1880? A I dont just remember.
Q About what year? A It must have been about '80.
Q The Cherokee strip was sold to the United States and open to settlement and became a part of Oklahoma on the 16th of December, 1893, was it? A Yes sir.
Q You were then a resident of that part of the Cherokee Nation which became a part of Oklahoma at that time? A Yes sir.
Q You took an allotment in the Cherokee strip? A Yes sir.
Q You also took one for your child? A Yes sir.
Q The one that was living at that time? A Yes sir.
Q You became a citizen of Oklahoma and remained there until 1893?
A Yes sir.
Q Your father ran for representative in one of the counties? A I think so.
Q You know it ,do you not? A I am not positive about it.
Q Did you vote for him? A I dont think I did.
Q Mr. Jordan, you have been answering everything in a so uncertain way you know whether you have voted in Oklahoma. A Yes sir, I voted.

Q And you know your father ran for office, a member of the Legislature- do you not. A I am not positive, but I will say I did.
Q Why are you not positive? A I dont just recollect.
Q You were living then? A Yes sir.
Q Well It has been within the last seven years? A Well, I will say he did.
Q Where were you married? A At Webbers Falls.
Q When was that? A That was in December, 1890.
Q Then you immediately took your wife out to the Cherokee strip?
A Yes sir.
Q You have lived with your wife continuously up to the present time?
A Yes sir.
Q Live with her now? A Yes sir.
Q Where is she now? A Near Tulsa.
Q How far from Tulsa? A About four miles.
Q What direction? A North.
Q Have you a farm there? A Yes sir.
Q When did you acquire it? A About four years ago.
Q I want you to state as nearly as you can, the exact date in 1898 when you came back to Cooweescoowee District. A I do not just remember when it was, but it must have been along in May.

Q You mean Col. R. P. Springridge.
Q You bought that farm before you came back in May, 1898?
A Yes sir.
Q When did you buy that farm? A About a month before I came.
Q Account it May in April, 1898? A Yes sir.
Q You did not own any land in the Cherokee Nation before that time?
A Yes sir.
Q What land did you own? A I owned a place out there on the Arkansas river.
Q How many acres in cultivation? A About 4 acres.
Q How long did you own that place? A Ever since I was a little boy.
Q You still own it, do you? A Yes sir.
Q Do you own the whole of it, or just an interest in it? A Just a part of it.
Q How much of a part? A 40 acres.
Q Do you own the whole of that 40 acres? A Yes sir.
Q You own 40 acre yourself? A Yes sir.
Q You have had your interest in the home place since you were a child
A Yes sir.
Q How many acres under cultivation on that 40? A All of it.
Q How many interests in that estate? A I do not know.
Q How many brothers have you? A Two.
Q How many sisters have you? A I haven't any.
Q When did your mother die? A Two years ago.
Q When did your father die? A He is still living.
Q You have no interest in that place except after your father might die and leave it to you? A I hold an interest in the place.
Q Was the deed ever made giving you a separate, independent interest in the place? A No sir.
Q Was not the title vested entirely in your father? A I suppose it was.
Q Then you did not have any separate claim on any part of that land?
A Nothing only what he told me.
Q How many acres in cultivation altogether on the whole place?
A I dont know.
Q Have you some idea? A No.
Q You have no idea at all? A No sir.
Q Have you ever lived on the place? A Not since I was small.

Q Have you ever got any rents from your part of the land? A Yes sir.
Q How much and when? A I got a span of mules about four years ago.
Q Who gave you these mules? A My father let me have them.
Q How did he happen to give them to you? A He said he would let me h have them for the use of the place.
Q And yet you had no interest in it except as one of his children?
A That was all.
Q

By Mr. W. W.Hastings, Cherokee representative:

Q This farm you spoke of was not in Illinois District. A No sir.
Q You had no improvements in Illinois District? A No sir.
Q You had none there in '96 when you were enrolled. A No sir.
Q What made you go to that committee to be enrolled? A I was living over there.
Q In 1896? A Yes sir.
Q Where were you living? A About one mile east of Vian.
Q How long did you live there? A About a year.
Q About a mile east of Vian? A Yes sir.
Q And then you moved back to Oklah ma? A Yes sir.

Com'r Breckinridge:
Q When was it your father ran for th legislature in Oklahoma. Do you kn w what year it was? A No, I dont.
Q You voted for him did you when he ran for the legislature. A Yes sir.

J. W. Jordan, be ing sworn and examined by Com'r Breckinridge testified as follows:
Q Give your full name? A John W. Jordan.
Q How old are you? A 57.
Q What is your postoffice? A Chelsea.
Q You have applied heretofore for the enrollment of yourself?
A Yes sir.
Q You lived for some years in Oklahoma? A yes sir.
Q You ran for the legislature out there? A Yes sir.
Q In what year did you run? A Something after the opening of the strip.
Q Did you run more than once? A No sir.
Q Was it as late as 1896 or 1897., 3 or 4 years after the strip was open. A It was the first election after. It could not have been more than 94 or 95.

APPLICANT RECALLED:

Q You did not draw Cherokee strip money in 1894? A Yes sir.
Q You drew a part? A '94, is that the strip payment?
Q Yes. A I drew part.
Q A d you gave up part because of having taken land up on the outside? A Yes sir.

JOHN W. JORDAN, recalled, testified as follows:

Q You are the father of Mr. James L. Jordan here? A Yes sir.
Q He is a married man, is he? A Yes sir.
Q When was he married? A In the fall of '90.
Q What is the name of his wife? A Nancy E.
Q Did you see them married? A No sir.
Q Do you know who married them? A Yes, Charles Vann, clerk of Canadian District.
Q That is your understanding is it? A Yes sir.
Q They have lived together ever since as husband and wife? A Yes sir
Q Your son was never married before that? A No. sir.
Q His wife was never married before that? A Not that I know of.

James L. Jordan, et al--5.

APPLICANT RECALLED/

Q These children are all of them now, are they? A Yes sir.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; he is identified on the rolls of 1880 and 1896 as a native Cherokee. It is developed in the testimony that he lived in Oklahoma Territory and exercised the right of citizenship in that Territoryex after it became a Territory of the United States and no longer of the Indian Territory. It appears that he went to that section of the Territory in or about the year 1880 and there stayed until the spring of 1895, when he came to the Cherokee Nation and stayed something like a year, when he returned to Oklahoma, sold out his property there and returned to the Cherokee Nation in the spring of 1898, since this time he has continued to live in the Cherokee Nation. He was never re-admitted to citizenship after his residence in Oklahoma. For the further consideration for his right to enrollment under the conditions stated, he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, and when the Commission has finally passed upon his case, the decision will be communicated to him at his postoffice address.

It is shown by satisfactory testimony that he and his wife were married in 1890; that neither was previously married and that they have lived together ever since their marriage. His wife is identified with her husband and two older children on the roll of 1896, and she will be listed as a Cherokee by adoption, upon a doubtful card with her husband.

His two older children, William O. and Ruthy M. Jordan are duly identified on the roll of 1896. They are living and will be listed for enrollment on the card with their father and mother as Cherokees by blood.

When the Commission is supplied with a proper certificate of the birth of the youngest child, Mary, this child also will be listed for enrollment as a Cherokee by blood with its parents.

- - - - - -

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Graves.

Subscribed and sworn to before me this 9th day of February, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

- - - - - - - - - -

May Hudson, being duly sworn, states that as stenographer to the Commissio to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

May Hudson.

Subscribed and sworn to before me this 27 day of January, 1904.

Samuel Tarman
Notary Public.

Statement of Applicant Taken Under Oath. (COPY)

CHEROKEES BY BLOOD AND ADOPTION.

(No. 28) Date February 8, 1901. 1900.

Name 1. James L Jordan, Tulsa, I.T.

District Can. Year 1880 Page 27 No. 768

Citizen by blood Yes Mother's citizenship (Parents No.1.) Jno. H. Jordan Sarah Jordan.

Intermarried citizen No.

Married under what law Date of marriage

License (24) Certificate

Wife's name Nancy Emeline Jordan

District Ill. Year 1896 Page 930 No. 104

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes.

Married under what law Date of marriage

License Certificate

Names of Children:

3. William O. Jordan	Dist. Ill.	Year 1896	Page 972	No. 985	Age 7
4. Bertha M. Jordan	Dist. "	Year "	Page "	No. 986	Age 6
5. Mary Jordan	Dist. "	Year	Page	No.	Age 2 Mos
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

No.1 on 1880 roll as J. L. Jordan

No. 2 " " " " Nancy E. Jordan.

No.3 on 1896 roll as Willie Jordan

No. 4 " " " " Ruthy Jordan.

No. 5 certificate of birth to be supplied.

(COPY)

Cherokee D-1085

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of James L. Jordan for the enrollment of himself and children as Cherokee citizens.

Appearances:
N. A. Gibson, Muskogee, I.T., attorney for applicants;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 28th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, March 19th, 1902.

Applicant this day, to-wit: the 19th day of March, 1902, appears by his attorney, N. A. Gibson.

NANCY EMELINE JORDAN, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name, Nancy Emeline Jordan? A Yes sir.
Q How old are you? A 26.
Q What relation are you to James L. Jordan? A His wife.
Q State whether or not he is dead or alive? A He is dead.
Q When did he die? A 22nd of October.
Q Of what year? A 1901.
Q You were his wife at that time you say? A Yes sir.
Q When were you married to him? A 14th day of December, 1890.
Q By whom? A Charley Vann.
Q State whether or not you continued to live with him until his death? A Yes sir.
Q In what district were you married? A I can't recollect now, married at Webbers Falls.
Q In the Cherokee Nation? A Yes sir.

BY MR. GIBSON: We offer in evidence a certificate of B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, relative to the record of marriage license for the year 1890. We also offer a letter from B. W. Alberty, to J. W. Jordan, of date January 1st, 1901, relative to this record.

BY COMMISSION: Same will be filed.

BY MR. HASTINGS:

Q You live where now? A Six miles north of Tulsa.
Q You have lived right there at that place continuously all the time? A I have been living there, it will be three years this coming May.
Q You went there in 1899? A Yes sir.
Q Where did you move from there? A Oklahoma.
Q You moved there in May, '99? A Yes sir.
Q How long had you been living in Oklahoma, since the date of the opening in 1893? A Yes sir but we went back to the Nation and lived there about a year and was enrolled at Vian in 1896.
Q With that exception you lived in Oklahoma? A Yes sir.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed and will be reported to the Commission for final

decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

- - - -

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

May Hudson.

Subscribed and sworn to before me this 27 day of January, 1904.

Samuel Gossman,
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., June 9th, 1902.

In the matter of the application of Emeline Jordan for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her three children as citizens by blood. Cherokee D. 1085.

BRIEF ON PART OF THE CHEROKEE NATION.

The testimony in this case shows that the deceased husband of the applicant was a citizen of the Cherokee Nation and that his name appeared upon the authenticated roll of Eighteen Hundred and Eighty; that since that time and soon thereafter, with his father he removed to the Cherokee strip where he was living in 1890 when he was married to the applicant who was then residing at Webbers Falls in the Cherokee Nation and that they removed to the Cherokee strip immediately thereafter where they were living in September 1893 when the lands upon which they lived were incorporated into and became a part of the Territory of Oklahoma and they continued to live in the Territory of Oklahoma according to her statement made in March 1902, taken as supplemental testimony in her case, until the Spring of 1899. James L. Jordan, her deceased husband, was alive and made this application in February, 1901, and knowing the effect of non residence in 1898 his memory was very defective as to when he returned to the Cherokee Nation, but the applicant herself makes it very clear. In answer to the question "Q You live where now"? A Six miles north of Tulsa". Q"And have lived there right continuously at that place all the time ?" A "I have been living there it will be three years this coming May ". Q"You went there in 1899?" A Yes sir" "Q Where did you move from there?" A "Oklahoma". "Q You moved there in May 1899?" A Yes sir"

The testimony of her deceased husband shows that after 1893

upto 1899 he was a recognized citizen of the Territory of Oklahoma, that his father ran for the office of member of the Legislature of the Territory of Oklahoma out there and that he voted in the elections and in fact enjoyed all the rights of any other citizen of the Territory of Oklahoma and was recognized and considered a citizen of that Territory.

The contention of the Cherokee Nation is that after September 1893 the very moment that James L. Jordan became a citizen of the Territory of Oklahoma, regarded himself as such and exercised the rights of a citizen of that new Territory, that very moment his rights as a citizen of the Cherokee Nation ceased because he could not be a citizen of the Territory of Oklahoma and of the Cherokee Nation at one and the same time and in as much as the rights of the applicant and her children depend upon the rights of James L. Jordan and he not being entitled to citizenship in the Cherokee Nation, they are not entitled to be so enrolled.

We contend further that they are not entitled to enrollment under that section of the Curtis bill which provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship". This act was approved June 28th, 1898, and the testimony of the applicant herself which is the only direct and positive testimony in the case as to when the family permanently located in the Cherokee Nation is that they removed from the Territory of Oklahoma and settled in the Cherokee Nation six miles north of Tulsa in May, 1899.

Respectfully submitted.

(Signed) W. W. Hastings,
Attorney for the Cherokee Nation.

J.C.S.

(COPY)

Cherokee D-1085.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 20, 1902.

IN THE MATTER OF THE APPLICATION OF JAMES L. JORDAN for the enrollment of himself and three minor children, William O., Ruthy M. and Mary Jordan as citizens by blood and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Nancy E. Jordan, being sworn, testified as follows:
BY THE COMMISSION:

Q What is your name, Mrs. Jordan? A Nancy Emeline Jordan.
Q What is your age, Mrs. Jordan? A I was 26 in April.
Q What is your postoffice at present? A Tulsa.
Q Are you the same Nancy E. Jordan that made application for enrollment as ~~ancee~~ intermarried citizen in February, 1902. A Yes sir.
Q What is your husband's name? A James L. Jordan.
Q Cherokee citizen, was he? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A Last October a year ago.
Q When were you married to James L. Jordan? A '90.
Q 1890? A Yes sir.
Q Were you ever married before you were married to him? A No sir.
Q ~~Did~~ Was he ever married before his marriage to you? A No sir.
Q Did you and he live together as husband and wife from the time of your marriage up to the time of his death? A Yes sir.
Q Have you married since his death? A No sir.
Q Were you still a widow and single on the 1st day of September, 1902? A Yes sir.
Q He is the only husband you have ever had, is he? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About 18 years.
Q About 18 years? A Yes sir.
Q Have you lived in the Cherokee Nation all the time for the last 18 years. A We moved out on the strip in 90 and moved back four years ago.
Q You went out in what is called the Cherokee strip in 1890 and stayed there until 4 years ago? A Yes sir, we were back in '95 a year.
Q You came back in '95 and stay back until '96? A Yes sir.
Q What time in '96 did you leave? A We left the last of April '96.
Q Then you went back to the Strip? A Yes sir.
Q You have a place and home there? A Yes sir.
Q When did you come back to the Cherokee Nation again? A We moved back it will be 4 years this next May.
Q Four years this next May? A Yes sir.
Q That would be May, '99, would it? A Yes sir.
Q You are sure it is 4 years next May since you came back? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since then?
A Yes sir.
Q Did you and Mr. Jordan have a home there and over in the Cherokee Nation at one and the same time? A Not at the same time.
Q When you came back in '99 did you buy a place in the Cherokee Nation? A Yes sir.
Q Are you living at the same place now? A Yes sir.
Q Are these children, William O., Ruthy M. and Mary your children by your husband James L. Jordan? A Yes sir.

James . Jordan et al ---.

Q They have lived with you all the time? A Yes sir.
Q And where you have lived they have lived? A Yes sir.
Q And whatever is true of your residence is true of your children, is it? A Yes sir.
Q Well, now, when you and Mr. Jordan went over to the Cherokee Strip the last time, did you go over there with the intention of making it your permanent home or not? A No sir.
Q What was your intention? A We still had [illegible] here; we moved over there and moved back.
Q How many crops did you make after you went back there, Mrs. Jordan? A One.
Q Went back in '96 and only made one crop? A Yes sir.
Q You made a crop in '97? A Yes sir.
Q Did you make any crop in '96, the year you went back? A No sir.
Q So you made a crop the next year, '97? A Yes sir.
Q What did you do the next year, '98, after you got in your crop in '97? A We did not make but one crop when we moved back.
Q Is not it a fact that you moved back in '98 instead of '99? You went back in '96 and made a crop in '97 and the next spring you came back here; What would be '98. A Yes sir.
Q And have you resided here all the time since you came back the last time? A Yes sir.
Q Sold out your place? A Yes sir.
Q Have any property over there? A No sir.
Q Everything you have got is here in the Cherokee Nation. A Yes sir.
Q Got no interest there at all? A No sir.
Q Are you sure you never made but one crop after you went back over there? A Yes sir.
Q And then after you gathered that crop you came back to the Nation here, did you? A Yes sir.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application and that the above is a true and complete transcript of her stenographic notes thereof.

(Signed) Retta Chick.

Subscribed and sworn to before me this 19th day of November, 1903.

(Signed) B. C. Jones,
Notary Public.

(Seal)

U The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

May Hudson.

Subscribed and sworn to before me this 27 day of January, 1904.

[illegible]
Notary Public.

(COPY)

No. 1021.

Cherokee 5-1888.

M A R R I A G E L I C E N S E.

United States of America,)
The Indian Territory: SS.
Sou Southern District .

TO anyperson authorized by law to solemnize marriage - Greeting:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. J. B. Baldridge of Bast in the Indian Territory, aged 26 years, and Miss Minnie Rodgers of Bast, in the Indian Territory, aged 18 years, according to law and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 12 day of January, A.D. 1897.

(Signed) Joseph W. Phillips
Clerk of the U.S. Court.

(Seal)

CERTIFICATE OF MARRIAGE.

United States of America,
The Indian Territory,
Southern District.

I, J. W. Raper, a Minister of the Gospel, do hereby certify that on the 15 day of January, A.D. 1897, I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 15 day of January, A.D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, page 245.

(Signed) J. W. Raper,
A Minister of the Gospel.

Note --- This license and certificate of marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory from whence it was issued, within sixty days admm from the date thereof, or the party to whom the license was issued will be liable in the amount of one hundred dollars ($100.)

CERTIFICATE OF RECORD OF MARRIAGE.

United States of America,)
The Indian Territory,) Set,
Southern District.)

I, Joseph W. Phillips, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the license for, and certificate of marriage of J. B. Baldridge and Minnie Rodgers, were filed in my office in said Territory and District the 24 day of February, A.D. 1897, and duly recorded in Book B of Marriage record page 508.

Witness my hand and seal of said Court at Ardmore, this 24 day of Feby, A. D. 1897.

(Signed) Joseph W. Phillips,
Clerk.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 26, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 26th day of December, 1902.

(Signed) B. C. Jones,
Notary Public.

(COPY)

Cherokee D-1085.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES L. JORDAN for the enrollment of himself and minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 8, 1901, James L. Jordan appeared before the Commission at Muskogee, Indian Territory and made personal application for the enrollment of himself and minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Nancy E. Jordan, as a citizen by intermarriage of the Cherokee Nation. Further proceedings the matter of said application were had at Muskogee, Indian Territory, on March 19, and October 20, 1902.

The evidence shows that the said James L. Jordan was lawfully married in 1890 to one Nancy E. McKnight, a white woman, and that said minor children, William O., Ruthy M. and Mary Jordan, are the issue of said marriage. The said James L. Jordan is identified upon the 1880 authenticated roll of the Cherokee Nation as a native Cherokee; also on the 1896 census roll of said Nation, together with his minor children, William O. and Ruthy M. Jordan as native Cherokees. The said Nancy E. Jordan is identified on the 1896 census roll of said Nation as an intermarried white. The said Mary Jordan being too young to appear on any of the tribal rolls of said Nation she is duly identified by birth affidavit made a part of the record herein.

The evidence further shows that the said James E. Jordan lived in the Cherokee Nation from 1874 until some time in the year 1880 when he moved into that portion of said Nation known as the "Cherokee Outlet", which, in 1893 was ceded to the United States and became a part of Oklahoma territory; that the said James L. Jordan and his family continued their residence in said Cherokee outlet until in the Spring of 1895 when they returned to the Cherokee Nation, as now constituted, and after residing therein for one year, removed to Oklahoma Territory; that after said removal to Oklahoma Territory, the said James L. Jordan and his family resided therein until in May, 1898, when they again returned to the Cherokee Nation and have since continuously resided therein.

In this connection, reference is made to the opinion hereinafter cited in the case of Daisy Lee Jordan et al vs. Cherokee Nation, wherein the Court held:

> This Court is of the opinion that the residence of the parties named in the Territory of Oklahoma under the facts and circumstances set forth in the Master's report does not deprive them of citizenship in the Cherokee Nation. They took their land in the Territory by virtue of the treaty between the Cherokees and the United States and they were recognized by the treaty as Cherokees and entitled to a pro rata share of the Strip payment, and the value of the lands which they took in the strip was deducted from the Strip money. They have not left the Cherokee Nation or removed their property out of the Nation. The Nation has simple ceded to the United States that part of its area upon which these persons were permitted to reside."

It appears from the records of the Commission that William O. Jordan and Ruthy M. Jordan, with others, made application, under the Act of Congress approved June 10, 1896, (29 Stats.321) to the Commission to the Five Civilized Tribes for admission to citizenship in the Cherokee Nation, which application was duly acted upon by the Commission and rejected. Appeal was taken to the United States Court, Northern District of the Territory, sitting at Muskogee, which Court by judgment rendered November 9, 1897, in the case of David E. Jordan et al vs. Cherokee Nation No. 202 reversed said decision of the Commission and admitted the said William O. Jordan and Ruthy M. Jordan to citizenship in the Cherokee Nation.

The evidence further shows that one of the applicants, viz: James L. Jordan, died on the 22 day of October, 1901.

It is therefore, the opinion of this Commission that William O. Jordan, Ruthy M. Jordan and Mary Jordan should be enrolled as citizens by blood of the Cherokee Nation, and that Nancy E. Jordan should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provision of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats, 495) and it is so ordered.

It is further ordered that the application for the enrollment of James L. Jordan as a citizen by blood of the Cherokee Nation, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

(Dated Muskogee, I.T., this
2nd day of February, 1903.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF JAMES L. JORDAN FOR THE ENROLLMENT OF HIMSELF AND MINOR CHILDREN AS CITIZENS OF THE CHEROKEE NATION BY BLOOD, AND FOR THE ENROLLMENT OF HIS WIFE, NANCY E. JORDAN? AS A CITIZEN OF THE CHEROKEE NATION BY INTER-MARRIAGE.

Cherokee D-1085.

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered February 2nd, 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with the brief heretofore filed before the Commission on the part of the Cherokee Nation.

Reference is also made to the case of John W. Jordan, Cherokee D. 774, also this day appealed to the Secretary of the Interior, from the decision rendered by the Commission on Febryary 2nd, 1903, wherein the reasoning used by the Commission in its decision, similar to that used in this decision, is reviewed.

Respectfully submitted,

(Signed) W. W. Hastings,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
JAN 18 1919
NO. 228
BUREAU OF CIVILIZED TRIBES

WASHINGTON, JAN 11 1919, 191

I, E. B. Merritt, Assistant, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

E B Merritt

Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of [illegible], born on the 21 day of October, 1900

(Give full name of child)

Name of Father: [illegible], a citizen of the Cherokee Nation.

Name of Mother: [illegible], a citizen of the Cherokee Nation.

Post-office, [illegible]

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.
INDIAN TERRITORY
[illegible] District.

I, [illegible], on oath state that I am [illegible] years of age and a citizen, by [illegible], of the Cherokee Nation; that I am the lawful wife of [illegible], who is a citizen, by [illegible], of the Cherokee Nation; that a female child was born to me on the [illegible] day of [illegible] 1900; that said child has been named [illegible] and is now living.

(Must be left blank if illiterate)

WITNESSES TO MARK

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1900.

[illegible]
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY
[illegible] District.

I, [illegible], on oath state that I attended on Mrs. [illegible], wife of [illegible], on the [illegible] day of [illegible] 1900 that there was born to her on said date [illegible] child, that said child is now living and is said to have been named [illegible]

WITNESSES TO MARK

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1900.

[illegible]
NOTARY PUBLIC

INFANT CHILD

Jordan

citizen of the

Nation.

MAR 4 - 1901

DEPARTMENT OF THE INTERIOR,

TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1901

(COPY)

Tahlequah, I.T. 1, 31st, 1901.

Hon. J. W. Jordan,

Muskogee, I.T.

Dear Sir:

I have made a thorough examination of the marriage records of Canadian District and fail to find the marriage of James L. Jordan on record. There has been several calls for records made about 90 and 91 that cannot be found. The last records made in the old marriage ~~book~~ record book seems to have been in the early part of 1890 and the first records in the last book are dated Aug. 1891 so if Vann made any record of marriages from June 1890 to Aug. 28, 1891, the book must have been lost. as no such records can be found in this office. I find a record of the marriage of John Jordan to E. E. Bady made in 1892, and the marriages of three Jordan women. I regret I cannot send the copy you desire, but will send you a certificate that the marriage is not on record, and you can after producing this prove marriage by a witness who saw the marriage performed.

Very respectfully,

(Signed) B. W. Alberty.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, Dec. 26, 1902.

James B. Baldridge,

Emmett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of birth affidavit in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Willa md Charley Baldridge. The same are in due form and have been filed.

The marriage license and certificate, showing your marriage on January 15, 1899, to Miss Minnie Rodgers, is herewith returned to you, a copy having been made out and retained in the Commission's files.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. D-2.

(COPY)

Cherokee D- 1085.

Muskogee, Indian Territory, February 7, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, granting the application of Nancy E. Jordan for enrollment as a citizen by intermarriage, and William O., Ruthy M. and Mary Jordan for enrollment as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of James L. Jordan.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-324.

(COPY)

Cherokee D-1086.

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of James L. Jordan et al., as citizens of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application as to Nancy E., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, February 18, 1903.

Nancy E. Jordan,

Tulsa, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of your husband, James L. Jordan.

There has this day been furnished your attorney, W. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc.M-92
Register.

(COPY)

Cherokee D-1065.

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James L. Jordan et al., as citizens of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application as to Nancy E., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-398
Through the

Commissioner of Indian Affairs.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, February 13, 1903.

N. A. Gibson,

Attorney for James L. Jordan, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of James L. Jordan etal., as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application as to Nancy E., William O., Ruthy M. and Mary Jordan, and dismissing said application as to James L. Jordan.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M.298
Register.

(COPY)

Refer in reply to the following:

Land
12836-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 26, 1903.

The Honorable

The Secretary of the Interior,

Sir:

Referring to Departmental letter of July 27, 1903, (I.T.D.5816) there is enclosed herewith report of the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting the record relative to the application of James L. Jordan et al, for enrollment as a citizen of the Cherokee Nation. James L. Jordan applies for the enrollment of himself and his minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and for the enrollment of his wife Nancy E. Jordan as a citizen by inter-marriage.

In accordance with instructions contained in Department letter above referred to, the rights of the applicants who apply for enrollment as citizens by blood will be considered, and the rights of applicant Nancy E. Jordan will not be considered in this report, as she applies for enrollment as an inter-married citizen.

February 2, 1903, the Commission held that William O., Ruthy M. and Mary Jordan, were entitled to enrollment as citizens by blood; that Nancy E. Jordan was entitled to enrollment by inter-marriage; and dismissed the application of James L. Jordan for enrollment as a citizen by blood, the record showing that he died October 22, 1901.

The record in this case shows that James L. Jordan was married in 1890 to Nancy E. McKnight; that the minor children herein mentioned are the issue of that marriage; that the principal applicant is identified by the 1880 authenticated roll as native Cherokee; that his name appears on the 1896 census roll as a native Cherokee, as does the name of his minor children except Mary Jordan; and that his wife's name appears on that roll as an inter-married citizen

Mary Jordan was born subsequent to the time the 1896 roll was made. The record also shows that James L. Jordan lived in the Cherokee Nation from 1874 until some time during the year 1880, when he moved to that part of the Cherokee Nation as was then known as the Cherokee Outlet. The Outlet was ceded to the United States in 1893 and became a part of Oklahoma. James L. Jordan and his family continued to reside in the Cherokee Outlet until the spring of 1895, when he returned to the Cherokee Nation. He resided there about one year and removed to Oklahoma. He and his family returned to the Cherokee Nation in May, 1898. They have resided continuously in the Cherokee Nation since that time.

The record shows that William O. Jordan and Ruthy M. Jordan, in 1896, applied to the Commission for admission to citizenship in the Cherokee Nation is accordance with the provisions of the Act of June 10, 1896; that they were parties to the case of Daisy Lee Jordan, et al., vs. Cherokee Nation; that the Commission refused their application; that an appeal was taken to the United States court for the Northern District for the Indian Territory; and that on November 9, 1897, the decision of the Commission was reversed, and the applicants William O. and Ruthy M. Jordan were admitted to citizenship in the Cherokee Nation. The Commission in its decision quotes from the decision of the court in the Daisy Lee Jordan case. From this quotation it appears that the court held that the parties to that case had not removed from the Cherokee Nation with their property, but that the Nation had ceded the Outlet to the Government. The Cherokee Nation by its attorney protests against the Commission's decision. Mary Jordan is properly identified by birth certificate.

The record shows that James L. Jordan was the son of John W. Jordan. From the record in the case it appears to the office that minor applicants William O., Ruthy M, and Mary Jordan are entitled to enrollment as citizens by blood of the Cherokee Nation, and in connection herewith attention is respectfully invited to

Departmental letter of June 4, 1903, (I.T.D. 4768), relative to the right of John W. Jordan et al, for enrollment as citizens of the Cherokee Nation. James L. Jordan having died prior to September 1, 1902, is not entitled to enrollment.

The approval of the Commission's decision in so far as it relates to the enrollment of the three minor applicants and the dismissal of the application for enrollment of James L. Jordan, is respectfully recommended.

Very respectfully,

(Signed) W. A. Jones,
Commissioner.

GAW-R

(COPY)

D.C. 28799 DEPARTMENT OF THE INTERIOR, J.P.
FHR.

I.T.D. 6484-1903. Washington.

L.R.S. October 12, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of James L. Jordan, for the enrollment of himself and minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Nancy E. Jordan, as a citizen of said Nation by intermarriage, received with your letter of February 18, 1903, and the Commissioner of Indian Affair's letter of August 26, 1903.

The principal applicant is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee, also on the 1896 census roll of said Nation, together with two of said children; Mary Jordan being too young to appear on any of the tribal rolls of said Nation, is identified by birth affidavit.

James L. Jordan lived in the Cherokee Nation from 1874 until some time in 1880, when he removed into that portion of the nation known as the "Cherokee Outlet", which in 1893 was ceded to the United States, and became a part of Oklahoma. He and his family continued to reside in said Outlet until 1894, when they returned to the Cherokee Nation, and after residing therein for one year, removed to Oklahoma Territory, where they resided until May, 1898, when they again returned to the Cherokee Nation and have since continuously resided therein.

It also appears that William O. Jordan and Ruthy M. Jordan were admitted to citizenship in the Cherokee Nation by the United States Court for the Northern District of Indian Territory, December 9, 1897.

February 2, 1903, finding the facts as stated, you rendered your decision, holding that William O. Jordan, Ruthy M. Jordan and Mary Jordan should be enrolled as citizens by blood of said Nation, and that Nancy E. Jordan should be enrolled as a citizen [illegible]

said Nation by intermarriage, and rejected the application of James L. Jordan, as he died on the 22nd day of October, 1901.

You referred to the opinion of the court in the case of Daisy Lee Jordan et al., vs. the Cherokee Nation, in which it was held that -

"This Court is of the opinion that the residence of the parties named in the territory of Oklahoma, under the facts and circumstances set forth in the Master's report, does not deprive them of citizenship in the Cherokee Nation ..... They have not left the Cherokee Nation or removed their property out of the Nation. The Nation has simply ceded to the United States that part of its area upon which these persons were permitted to reside."

The Commissioner of Indian Affairs recommended that your decision be concurred in, except as to the applicant Nancy E. Jordan.

The Nation protests against your decision, but it is not necessary to enter into the questions thus raised, for they were disposed of in an analogous case to this, that of John W. Jordan, father of the present applicant, to which the Commissioner refers, affirming your decision in favor of the applicant.

Finding no reason to disturb your decision, it is hereby affirmed, except as to Nancy E. Jordan. Her rights will not be considered at this time as she applies for enrollment as an intermarried citizen, and the question of the rights of intermarried persons in the Cherokee Nation is before the Court of Claims.

A copy of the Commissioner's letter is enclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

Nancy E. Jordan,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of your husband, James L. Jordan, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself on October 12, 1903.

The Department's letter states that your right to enrollment as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

(Signed) T. B. Needles,
Commissioner in Charge.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

W. A. Gibson,

Attorney for James L. Jordan, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage and for the enrollment of her three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of James L. Jordan as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nancy E. Jordan on October 12, 1903.

The Department's letter states that the right of Nancy E. Jordan to enrollment as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

(COPY)

Cherokee D-1085.

Muskogee, Indian Territory, October 21, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nancy E. Jordan as a citizen by intermarriage and for the enrollment of her three minor children, William O., Ruthy M. and Mary Jordan, as citizens by blood, and dismissing the application for the enrollment of James L. Jordan as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nancy E. Jordan on October 12, 1903.

The Department's letter states that the right of Nancy E. Jordan as a citizen by intermarriage will not be considered at this time, but will await the decision of the Court of Claims upon the question of the rights of intermarried persons in the Cherokee Nation.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

Land-F.T.
90480-18
J E D

Birth affidavit
relating to certain
Cherokee Indians.

DEPARTMENT
RECEIVED
JAN 18 1919
NO. 218
SUPERVISOR CIVILIZED TRIBES

JAN 13 1919

Mr. Gabe E. Parker,

Supt., Five Civilized Tribes,

My dear Mr. Parker:

Referring to the request of November 6, 1918, of the Acting Superintendent for the Five Civilized Tribes for a certified copy of the birth affidavit in the case of Mary Jordan, a Cherokee by blood, Roll No. 29601, there is transmitted herewith for the use of your office a certified copy of the affidavits of October 27, 1900 of Emaline Jordan and Emma Oller relating to the birth of said Mary Jordan.

Very truly yours,

E B Meritt

Assistant Commissioner.

11-19-CMS

Cher 10335
Maggie Downing
Trans. from D1090

Cher 10335

Ill. 6

Straight as to applicant.
Doubtful as to wife Hettie and their children.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 12, 1901.

In the matter of the application of Thomas Downing for the enrollment of himself, wife and children as Cherokee citizens; he being sworn before Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Thomas Downing.
Q How old are you? A 35.
Q What is your postoffice? A Texanna.
Q In what District do you reside? A Canadian.
Q Who do you want to have enrolled, yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A She is a white woman.
Q Are you a full blood? A Cannot say .
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A George Downing.
Q Is he dead? A He is alive.
Q Give me the name of your mother? A Dianna.
Q Is she dead? A Yes sir .
Q What is the name of your wife? A Hettie.
Q How old is your wife? A 25.
Q When were you married? A '94.
Q Were you ever married except to her? A Yes sir.
Q How many times were you married before you married her? A Once.
Q To whom were you married the first time? A Mariah Love.
Q Was she dead when you married this wife Hettie? A No sir.
Q When did you marry Mariah Love? A I can't tell exactly.
Q Have you any children by her? A One.
Q When did you and Mariah Love separate? A Can't tell exactly.
Q Was she a Cherokee? A Cherokee.
Q Is she still living? A Yes sir.
Q Did you get a divorce? A Yes sir.
Q Where is the decree of divorce? A In Canadian District Court I guess.
Q You haven't a copy of it? A No sir.
Q Did you get a divorce from your wife Mariah before you married this present wife? A Yes sir.
Q Was your present wife ever married except to you? A No sir.
Q Have you a certificate of marriage to your present wife? A Yes sir.
Q What was your present wife's name when you married her?
A Abney.

The applicant presents a marriage license dated February 24, 1894, authorizing marriage between himself and Miss Hellie E. Abney; the certificate shows that they were united in marriage on the day following by the Rev. I. J. C. Nichols. This is filed herewith.

Q How did they get your wife's name so badly written in this license; is this intended for your wife? A Yes sir.
Q Has she an "E" in her name? A Yes sir.
Q Have you and she lived together ever since you were married?
A Yes sir.

Q Give me the names of these children? A Maggie,.
Q How old? A Six.
Q Next child? A Lewis.
Q How old? A Three.
Q Next child? A George.
Q How old is he? A Fifteen months.
Q These children are all alive now are they? A Yes sir.
Q Where did you get your divorce from your first wife? A In Canadian District Court.

The authenticated 1880 roll of the Cherokee Nation examined and on page 14, No. 371 thereof appears the name of Thomas Downing in Canadian District.

The 1896 roll of the Cherokee Nation examined and on page 19, #536 thereof appears the name of Thomas Downing in Canadian District. On page 86 thereof, #69 appears the name of Hettie Downing in Canadian District. On page 19, #537 thereof appears the name of Maggie Downing in Canadian District.

Comr. Breckinridge,-
The applicant applies for the enrollment of himself, wife and three children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. His wife is a white woman; he is shown to have married her in 1894 by a license and certificate filed herewith. He states that she was never married before but that he was once previously married, but that he was divorced from his first wife before he married his present wife, but he is not able to supply the Commission with a decree of divorce at this time; he states that he and his present wife have lived together ever since their marriage. She will be listed for enrollment as a Cherokee by adoption on a doubtful card to await a copy of the decree of divorce from the applicant and his first wife. Of the three children named in the testimony, the oldest Maggie, is duly identified on the roll of 1896, but as to the rights of this child to enrollment depends upon the legality of the marriage between the white mother and her Cherokee father, this child will be listed for enrollment as a Cherokee by blood on a doubtful card; when the Commission is supplied with certificates of birth of the two younger children, Lewis and George, they will be listed for enrollment as Cherokees by blood on a doubtful card to await the evidence of divorce just referred to.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause, and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise

Subscribed and sworn to before me this 13th day of February, 1901.
C. R. Breckinridge.
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon P. Wellington
Notary Public

ED
Feb. 19, 1901

Statement of Applicant Taken Under Oath. Caw. Copy

CHEROKEES BY BLOOD AND ADOPTION.

Date 3 Oct. 02 1902.

Name Tevand, I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(25) Wife's name Nettie E. Downing

District Caw Year 1896 Page 86 No. 69

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Maggie Downing	Dist. Caw	Year 1896	Page 19	No. 537	Age 6
3 Louis "	Dist. "	Year	Page	No.	Age
4 George "	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Denied

Also 3 or 4 affidavits of birth to be supplied.

Also Decree of divorce from husbands former wife to be supplied.

( ) By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T.

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of

as citizen of the Cherokee Nation.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
~~Northern District~~ } ss.

I, [illegible] Division. Joseph [illegible], Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the [illegible] day of March [illegible], at [illegible] A M., and duly recorded in Book [illegible], Marriage Record, Page [illegible]

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this [illegible] day of [illegible], A. D. 1[illegible].

[illegible] Clerk.

(S.) By [illegible] Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T., [illegible]

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of [illegible] as [illegible] citizen [illegible] of the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December 15, 1906.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said division.

[illegible] Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 15th day of December, 1906.

[illegible] Jones Notary Public.

8790.

Cherokee D-1080.

MARRIAGE LICENSE.

United States of America, INDIAN TERRITORY, Northern District } ss. No. 206.
First Judicial Division.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Thomas Downing, of Checotah, in the Indian Territory, aged 27 years, and Miss Willie E. Abney, of Checotah, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 24 day of Feb. A. D. 1894.

Jos. T. Phillips
Clerk of the U. S. Court.

(Seal)

By T. L. Phillips Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, INDIAN TERRITORY, Northern District } ss.
First Judicial Division.

I, J. C. Nichols, Church first borne, a Minister of the Gospel, Do Hereby Certify, that on the 28 day of 28 February, A. D. 1894, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 1 day of March A. D. 1894.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, First Judicial Division Northern District, Book A, Page 263

I J. C. Nichols,
A Minister of the Gospel.

D 1090 D

IN RE

Application for Enrollment of

INFANT CHILD

Lewis Downing

as a citizen of the

Cherokee Nation.

Approved MAR 16 1901 190

T. B. Needles

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

Mar. 16, 1901

BIRTH AFFIDAVIT. 20 Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee, Nation,
of Lewis Downing (Here insert name of child), born on the 14th day of November, 1897
Name of Father: Thomas Downing, a citizen of the Cherokee Nation.
Name of Mother: Hettie E. Downing, a citizen of the Cherokee Nation.
Post-Office: Tahlequa, Ind. Terry.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hettie E. Downing, on oath state that I am 25 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of Thomas Downing, who is a citizen, by blood, of the Cherokee Nation, that a male (Male or Female) child was born to me on the 14th day of November, 1897; that said child has been named Lewis Downing, and is now living.

Hettie E. her mark Downing

WITNESSES TO MARK
(Must be two Witnesses)
J. C. Groves
Thomas Downing

Subscribed and sworn to before me this 11th day of Feby, 1901.

J. C. Groves
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Dylon Bennett, an M. D., on oath state that I attended on Mrs. Hettie E. Downing, wife of Thomas Downing, on the 14 day of November, 1897; that there was born to her on said date a male (Male or Female) child; that said child is now living and is said to have been named Lewis Downing

Dylon Bennett

WITNESSES TO MARK
(Must be two Witnesses)

Subscribed and sworn to before me this 11th day of Feby, 1901.

J. C. Groves
Notary Public

D1090 E

IN RE

Application for Enrollment of

INFANT CHILD

George Downing Jr.

as a citizen of the

Cherokee Nation.

Approved MAR 16 1901 190

T. B. Needles

Commissioner.

Mar. 16 1901

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of George Downing Jr. (Here insert name of child), born on the 14th day of November, 1899
Name of Father: Thomas Downing, a citizen of the Cherokee Nation.
Name of Mother: Hettie E. Downing, a citizen of the Cherokee Nation.
Post-Office: Tahlequa, Ind. Terry.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hettie E. Downing, on oath state that I am 25 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of Thomas Downing, who is a citizen, by blood, of the Cherokee Nation, that a male (Male or female) child was born to me on the 14th day of November, 1899; that said child has been named George Downing Jr., and is now living.

Hettie E. Downing
mark

WITNESSES TO MARK
(Must be Two Witnesses)
J. O. Groves
Thomas Downing

(Seal) Subscribed and sworn to before me this 11th day of July 1901.

J. O. Groves
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Deylon Bennett, an M.D., on oath state that I attended on Mrs. Hettie E. Downing, wife of Thomas Downing, on the 14 day of November, 1899; that there was born to her on said date a male (Male or female) child; that said child is now living and is said to have been named George Downing

Deylon Bennett

WITNESSES TO MARK
(Must be Two Witnesses)

(Seal) Subscribed and sworn to before me this 11th day of July 1901.

J. O. Groves
Notary Public

Supl. C. D.-1090.

Dep rtment of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of Nettie B. Downing as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that her application for enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant has this day to-wit: the 19th day of March, 1902 been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctl recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that the foregoing is a true and correct copy of the original.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon B. Wallace
Notary Public.

Cher. D-1090.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. October 30, 1902.

In the matter of the application of Hettie E Downing, for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Maggie, Lewis and George Jr. as citizens by blood of the Cherokee Nation.

Thomas Downing called as a witness in the above entitled cause, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Thomas Downing.
Q How old are you? A 37.
Q What is your postoffice? A Texanna.
Q Are you a recognized citizen by blood of the Cherokee Nation.
A Yes.
Q What is your wife's name? A Hettie E.
Q She is a white woman? A Yes sir.
Q An applicant for enrollment as an intermarried citizen? A Yes sir.
Q When were you married to Hettie E? A Married the last day of February, 1894.
Q Were you ever married before you married this woman? A Yes sir.
Q How many times had you been married before? A Once.
Q What was your wife's name? A Her maiden name was Maria Love.
Q Was she living or dead when you married Hettie? A She was living.
Q Had you been divorced from her? A Yes, I made application and my attorney informed me that the divorce had been granted.
Q Have you filed a copy of it with the Commission? A No ,there is no record of a divorce at all.
Q What Court was it granted in? A Canadian District.
Q Have you ever applied to Mr. Parks? A I applied to Alberty and he sent me a letter and I sent it to the Commission.
Q Have you made any proof of the divorce from your first wife to the Commission other than by your own attorney? A No, only this letter from Alberty who was the Secretary at that time.
Q It will be necessary for you to make proof in the absence of a copy of the decree of divorce that there has been a decree and that it has been lost or destroyed. Who was your attorney in the case?
A Mr. Gray, he is dead.
Q Had your wife been married before she married you; your present wife? A No sir.
Q Have you and she lived together ever since your marriage up to the present time? A Yes sir.
Q Never have been separated? A No sir.
Q You were living together on the 1st day of September, 1902 as husband and wife? A Yes sir.
Q You have lived in the Cherokee Nation all the time since your marriage up to the present time? A Yes sir.
Q Are these children, Maggie, Lewis and George Jr. all your children by your wife Hettie E.? A Yes sir.
Q All living? A Yes sir.
Q And have lived with you in the Cherokee Nation all their lives have they? A Yes sir.

Frances R. Lane, upon oath states that as stenographer to the Commission to the Five Civilized tribes, she correctly recorded the testimony in the above entitled case, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane.

Subscribed and sworn to before me this November 12,1902.

B. C. Jones,
Notary Public.

SEAL

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original.

R Palmer

Subscribed and sworn to before me this 7th day of January, 1904.

Simon R. Wallington
Notary Public.

Cherokee D #1090

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record herein shows that on February 12, 1901, Thomas Downing appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself and minor children, Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation. The said Thomas Downing is differently classified and is not embraced in this decision. Said application also included Hettie M. Downing, wife of the said Thomas Downing, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation but, the status of such persons not being fixed at this time, the said Hettie M. Downing is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 30, 1902.

The evidence shows that the applicant, Maggie Downing, is duly identified on the 1896 census roll of the Cherokee Nation; that the applicants, Lewis and George Downing, Jr., are identified by birth affidavits made a part of the record herein; and that all of said applicants are the minor children of the said Thomas Downing, who is identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the said Thomas Downing has continuously resided in the Cherokee Nation all his life, and that all of said minor applicants have resided with their father since birth.

Ch. D 1090

It is, therefore, the opinion of this Commission that Maggie Downing, Lewis Downing and George Downing, Jr., should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

(SIGNED) W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1900.

C O P Y.

Cherokee D-1090.

Muskogee, Indian Territory, June 4, 1902.

Mrs. Hettie E. Downing,

Texanna, Indian Territory.

Madam:

In the matter of the application made for your enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that on February 28, 1902, your husband, Thomas Downing was notified by registered letter to furnish the Commission with a certified copy of the decree of divorce from his former wife, Mariah. Receipt has been acknowledged of said letter but the certified copy of said decree of divorce has not been filed with this Commission.

In order to a proper determination of the application made for your enrollment it is necessary that a certified copy of said decree of divorce be filed with the Commission, and you are now required to file said copy.

You will be allowed until June 25, 1902 to comply with this requirement.

Yours truly,

Acting Chairman.

Register.

C O P Y.

Cherokee D-1090.

[illegible], Indian Territory, June 30, 1902.

Nettie E. Downing,

Texanna, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant relative to your application for ~~the~~ enrollment as a citizen of the Cherokee Nation.

In reply you are advised that under date of June 4, 1902, you were notified by registered letter to furnish the Commission with a certified copy of the decree of divorce of your husband from his former wife, Mariah.

You are further advised that you will be allowed thirty days from the [illegible] day of June, 1902, in which to furnish the Commission with the evidence desired.

Yours truly,

Commissioner in Charge

Register.

1908

Checote Block,

EXECUTIVE DEPARTMENT CHEROKEE NATION,

TAHLEQUAH, INDIAN TERRITORY.

July 7, 1908.

Mr. Tom Downing,

Dear Sir & friend:

I have made a search for the record of your marriage to your first woman and also for the record of divorce between you and her but neither matter shows on the records.

Respectfully,

D. W. Liberty,

Asst. Ex. Sec.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December 15, 1908.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 15th day of December, 1908.

Notary Public.

COPY.

Cherokee D-1090.

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Thomas Downing for the enrollment of his three minor children, Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Enc. D-12

Chairman.

C O P Y.

Cherokee D-1090.

Muskogee, Indian Territory, October 12, 1903.

Thomas Downing,

Texanna, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your minor children, Maggie, Lewis and George Downing, Jr., as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. D-83.

Register.

Cher 10336

Fannie Overtaker

Trans. from D90

Cher 10336

AUG 13 1900
FILED
COMMISSION OF THE EVE CAUSED LIBRE
DEPARTMENT OF THE INTERIOR

John Ore

was about three or four months old.

[illegible]

Q. Do you know of any other children of your father?

A. No, sir.

Q. Do you know of any other children of your father living now?

A. No, sir.

Q. Do you know of any other children of your father living at the time of the census of 1880?

A. No, sir.

Q. Do you know of any other children of your father living at the time of the census of 1890?

A. No, sir.

Q. Do you know of any other children of your father living at the time of the census of 1896?

A. No, sir.

Q. Do you know of any other children of your father living at the time of the census of 1894?

A. No, sir.

Q. Do you know of any other children of your father living at the time of the census of 1896

Department of the Interior,
Commission to the Five Civilized Trib s,
Sallisaw, I. T., August 7, 1900.

In the matter of the application of John Overtaker et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

Q What is your name? A John Overtaker.
Q What is your age? A Forty.
Q What is your post-office address? A Vian.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q What district do you live in? A I live in Illinois District.
Q How long have you lived there? A Not long. I have been living here in this district before I went to Illinois.
Q How long have you been living in the Cherokee Nation? A All my life.
Q Never livedout of it? A No sir.
Q Whatis the name of your father? A Charles.
Q Is he living? A No sir.
Q When did he die? A He died in time of the War.
Q What is the name of your mother? A Annie.
Q Is she living? A No sir, she has been dead about ten years.
Q What proportion of Cherokee blood do you claim? A I am about two-thirds I guess.
Q Are you married? A No sir.
Q Just applying for yourself? A No, I have got two children.
Q Were you ever married? A Yes sir.
Q What was your wife's name? A Julia Walker.
Q Was she a citizen of a white woman? A She was a white woman.
Q When did you marry her? A We wasn't legally married.
Q What are your children's names? A Fannie Overtaker, four years old; Maggie Overtaker, one and one-half years old.
Q Are these children alive and living with you? A Yes sir.
Q Did you ever live withthis woman as your wife? A Yes sir, we lived together about five years.
Q What year did you commence living with her? A I don't know, it was about 1893 I reckon.
Q Did you live with her until she died? A She is not dead.
Q Why didn't you get married? A She is married.
Q Did you live with her all the time five years as man and wife? A Yes sir.
Q Have you any proof of that? A Yes sir.

Examined by Cherokee Representative Hastings:

Q Did this woman have any children before you married her? No sir.
Q You treated her as your wife? A Yes sir.
Q She lived in the house with you? A Yes sir.
Q Just you two? A Yes sir, and her mother.
Q When was the first child born? A Born February 24th 1898.
Q When did you commence living with that woman? A I think it was about 1893.
Q How long before this child was born? A About two years I guess.
Q She had lived with you continuously from the time you began to live with her until the child was born, two years? A Yes sir.
Q You treated her as your wife? A Yessir.
Q She treated you as a husband? A Yes sir.
Q No other man lived with her? A No sir.
Q When was the second child born? A She was born in 1898.
Q You were living with her at the time this second child was born or had you quit her? A I was still living with her.

Q How old was that child before you left her? A The child was about three or four months old.
Q What made you leave her? A I don't know.
Q Was it because of any jealousy of anybody else? A I didn't intend to leave her, she left me.
Q You were satisfied with her then, with the woman? A Yessir.
Q She became dissatisfied with you and left; is she living with somebody else now? A Yes sir, she is married.
Q She was lawfully married to the next one? A Yes sir.
Com'r Needles:
Q Where are these children now? A They are here in town.
Q Who are they living with? A Their mother.
Cherokee Rep've Hastings:
Q Did she marry a citizen? A No sir.
Q Do they go by your name? A Yes sir.
Com'r Needles:
Q What is her present husband's name? A M. J. McClenathan.
Cherokee Rep've Hastings:
Q How long had she left you before she married this other man?
A I reckon it was five or six months.
Q Did she live with any one in the meantime? A No sir.
Q Has she had any children since she quit you? A No sir.
Q You say that this child was born February 26th 1896? A 1896 I think.
Q Why didn't you enroll it in 1896? A I did enroll it, she is on the roll.
Q Did you enroll it under your name? A Yes sir.
~~1880 roll, page 712 #934 John Overtaker, Sequoyah District.~~
1896 roll page 1088 #1047 John Overtaker, Sequoyah District.
1894 roll, page 979 #992 John Overtaker, Sequoyah District.

Com'r Needles: The name of John Overtaker appearing upon the authenticated roll of 1880 as well as the census roll of 1896 and the pay roll of 1894, as indicated in the testimony, and he having made satisfactory proof as to his residence, he is ordered listedfor enrollment as a Cherokee citizen by blood.
The names of his children, Fannie, four years of age, and Maggie, eighteen months old, their names not appearing on any of the rolls of the Cherokee Nation, they having been born since said roll of 1896 was compiled, satisfactoryproof ~~being made as~~ is not being made as to his marriage with the woman whom he claims to be the mother of these children, named Julia Walker, judgment as to their enrollment is suspended, and they will be placed upon a doubtful card.

M.D.Green,being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoingis a full true and complete transcript of his stenographic notes in said case.

M D Green

Subscribed and sworn to before me this 8th day of August 1900.

Commissioner.

B-

COMMISSION
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Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date AUG. 7 1900 1900.

Name Nancy J.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Fannie Overtaken	Dist.	Year	Page	No.	Age 4
2 Maggie "	Dist.	Year	Page	No.	Age 18 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 and 2 Affidavits of births to be supplied

N93

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 13 1900

ACTING CHAIRMAN

John Overtaker's app.for his children
Fannie and Maggie, #2

Com'r Needles:
Q You don't know whether these children were that woman's or not do you? A No sir.

M.D.Green,being first duly sworn,statesthat as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoingis a full true and complete transcript of his stenographic notes in said case.

M D Green

Subscribed and sworn to before me this8th day of August 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 7,1900.

In the matter of the application of John Overtaker for the enrollment of is two children, Fannie and Maggie, as Cherokee citizens; Joe Alfred, being sworn and examined by Commissioner Needles testifies as follows:

Q What is your name? A Joe Alfred.
Q What is your age? A Forty-seven.
Q What is your post-office? A Sallisaw.
Q You know John Overtaker? A Yes sir.
Q Did you know his wife, Julia? A Yes sir.
Q You know whether they were ever married or not? A I couldn't say, no sir.
Q You know whether they lived together as man and wife? A Yes sir.
Q How long did they live together as man and wife? A I knew them about three years.
Q They were keeping house as man and wife together? A Yessir.
Q Did they have any children? A They had one that I know of when I got acquainted with them.
Q You know its name? A Fannie.
Q Did they have one afterwards? A Yes sir.
Q What is its name? A I don't know.
Examined by Cherokee Representative Hastings:

Q How far did you live from them? A I lived mile and a half.
Q How long? A I guess about four or five months; and different places I saw them; I worked for the railroad company; I think they lived at McKey awhile, and here at Sallisaw awhile.
Q You know anything about their separation? A No sir.
Q You know anything about the cause of it? A No sir
Q Did you know them prior to the birth of this first child, Fannie? A No sir.
Q You don't know whether they were living together when that child was born or not? A No sir.
Q You know whether they were living together when the second child was born? A No sir; they moved away and I didn't see them.
Q You had no intimate acquaintance with them? A Yes sir, I have been about them right smart.

-- -- -- --

PICKENS BENGE, being sworn and examined by Commissioner Needles testifies as follows:

Q What is your name? A Pickens Benge.
Q What is your age? A Forty-two.
Q What is your post-office? A Marble.
Q Are you a Cherokee citizen? A Yes sir.
Examined by Cherokee Representative Hastings:
Q Do you know John Overtaker? A Yes sir.
Q You know the woman with whom he lived? A No sir. He worked for me about two years ago and lived with a woman they called Fannie, but I wasn't acquainted with them.
Q You know whether he had any children or not? A I seen a couple of children there, he said they was his children, but I don't know.
Q They were small children? A Yes sir.
Q You know when they separated? A No sir.
Q You don't know anything about the cause of the separation?
A No sir, I just seen him with his family about two years ago; he worked for me about two months.
Q You know how long he lived with this woman? A No sir I do not.

Jo n Overtaker's app.for his children
Fannie and Maggie, #2

Com'r Needles:
Q You don't know whether these children were that woman's or not do you? A No sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M D Green

Subscribed and sworn to before me this 8th day of August 1900.

Commissioner.

D-41

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 9 1900

ACTING CHAIRMAN

Department of The Interior

Commission to the five Civilized Tribes

[illegible] Lessie Walker R.O. McKay Cherokee Nation [illegible] testimony in page 49 [illegible] years of age states she is personally well acquainted with John Overtaker and Julia Overtaker and with Mr McClendon [illegible] [illegible] [illegible]

became from U.S. Court at Muscogee
the said Julia Overtakee now
McClenathan agreed to live with them
[illegible] separated with [illegible]

G M Price
Will Conley

Annie + Walker
her mark
Witness hereunto and sworn to
before me this 8th day of August
A D 1900 W H Buchanan
Notary Public
Com Expires Feb 24 1904

Julia Overtakee now Julia McClenathan being duly sworn upon her oath states she has heard the depositions made by Annie Walker and that same is true

Read
G M Price
Will Conley

Julia + Overtakee now Julia McClenathan
her mark
Subscribed and sworn to before me
this 8th day of August 1900
W H Buchanan
Notary Public
Com Expires Feb 24 1904

~~Also~~ Personally appeared ~~before me~~ ~~Post office Muscogee~~ and Jesse Settledown age 26 who being duly sworn upon his oath states that he is personally well acquainted with John Overtakee and Julia Overtakee now Julia McClenathan I have known them since

Sight years that the said John Onestaber and said Julia Onestaber nee Julia McClenathan lived together from the time he got a separation with William for 5 or 6 years the exact date they lived together he does not now remember that they always held her out as his wife and she claimed him as her husband and their acts and conduct was that of people who were husband and wife and were so regarded and reputed by all their neighbors and friends that during the time they lived together they had as a fruit of said marriage two children the ones said John Onestaber has made application to have enrolled

after

N. H. Eddie

at the time of filing down

subscribed and sworn to before me this 8th day of August A D 1900

also personally appeared R G Elgin on 48 R.D. Sallisaw I am personally acquainted with John Onestaber and Julia Onestaber nee McClenathan and have known them for about 3 years. When I first got acquainted

with them they were living together
as husband and wife and were
so regarded and reputed by all
who knew them

C. E. Elgin

Subscribed and Sworn
to before me this 8th day of
August A.D. 1900

J. H. Blechlenburg
Notary Public
Com Ex Feb 24th 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 9 1900

0740

F 90

20

IN RE

Application for Enrollment of

INFANT CHILD

Fannie Overtaker

as a citizen of the

Cherokee Nation.

Approved August 9 1900

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 1900

Card No D 90.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Fannie Ouestaker (Here insert name of child), born on the 26 day of February, 1896

Name of Father: John Ouestaker, a citizen of the Cherokee Nation.

Name of Mother: Julia McClenathan, a citizen of the Non Citz ~~Nation~~.

Post-office, [illegible]

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Sequoyah District.

I, Julia McClenathan, on oath state that I am twenty two years of age and a citizen, by Non Citizen, of the Cherokee Nation; that I ~~am~~ was the lawful wife of John Ouestaker, who is a citizen, by blood, of the Cherokee Nation; that a female (male or female) child was born to me on the 26th day of February 1896; that said child has been named Fannie Ouestaker, and is now living.

Julia McClenathan
her mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
H. L. Rogers
Geo. E. Lenton

Subscribed and sworn to before me this 8th *day of* August 190..

J. F. Lochlehenry
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Sequoyah District.

I, Annie Walker, a Midwife, on oath state that I attended on Mrs. Julia McClenathan, wife of John Ouestaker, on the 26th day of February, 1896; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Fannie Ouestaker

Annie Walker
her mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
H. L. Rogers
Geo. E. Lenton

Subscribed and sworn to before me this 8th day of August 1900

J. F. Lochlehenry
Clerk of the U.S. Court

F-1.90

20

IN RE

Application for Enrollment of

INFANT CHILD

Maggie Cretsher

to be a citizen of the

Cherokee Nation.

Approved August 9 1900

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1900

Card No. 8.90.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Maggie Questabee (Give name of child) born on the 6 day of January, 1899
Name of Father: John Questabee a citizen of the Cherokee Nation.
Name of Mother: Julia McClendon a citizen of the Cherokee Nation.
Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Julia McClendon, on oath state that I am Twenty Two years of age and a citizen, by Blood, of the Cherokee Nation; that I was the lawful wife of John Questabee, who is a citizen, by Blood, of the Cherokee Nation; that a Female (male or female) child was born to me on the 6th day of January 1899; that said child has been named Maggie Questabee, and is now living.

Julia her ✗ mark McClendon

WITNESSED TO MARK:
(Must be Two Witnesses.)
H. L. Rogers
not a citizen

Subscribed and sworn to before me this 8th day of August 1900.

W. H. Mulkey Jr.
NOTARY PUBLIC
Com Exp Feb 24 1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Annie Walker, a Mid Wife, on oath state that I attended on Mrs. Julia McClendon, wife of John Questabee, on the 6th day of January, 1899; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Maggie Questabee

Annie her ✗ mark Walker

WITNESSED TO MARK:
(Must be Two Witnesses.)
H. L. Rogers
not a citizen

Subscribed and sworn to before me this day of 190.

W. H. Mulkey Jr.
NOTARY PUBLIC
Com Exp Feb 24 1904

[illegible] I just want to submit that case. We have no additional proof.

BY MR. HASTINGS: Well, closed and submitted.

M.L.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 19,1902.

Commissioner.

"R"

Cherokee D 90.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 19, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Fannie Overtaker et al., for enrollment as Cherokee citizens.

Appearances:
James H. Huckleberry, Sr., Sallisaw, I. T., Attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. HUCKLEBERRY: I just want to submit that case. We have no additional proof.

BY MR. HASTINGS: Well, closed and submitted.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 19, 1902.

Commissioner.

Cherokee I 9 .

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fannie and Maggie Overtaker as citizens by blood of the Cherokee Nation.

DECISION.

The record herein shows that on August 7, 1900, John Overtaker appeared before the Commission at Tallisaw, Indian Territory, and made application for the enrollment of himself and his two minor children, Fannie and Maggie Overtaker, as citizens by blood of the Cherokee Nation. John Overtaker is differently classified and is not embraced in this decision.

The evidence shows that the applicants are the minor children of John Overtaker, a Cherokee by blood, who is identified on the 1880 authenticated Cherokee roll, on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll. The said minor children were born since 1880 and are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said John Overtaker has resided in the Cherokee Nation all his life; and it is considered that the residence of said minor applicants has been with their father since their birth.

It is, therefore, the opinion of this Commission that Fannie Overtaker and Maggie Overtaker should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this OCT 9 1900

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902

Mr. John Overtaker,

Sallisaw, Indian Territory.

Sir:

You are hereby notified that the application of your two children, Fannie and Maggie Overtaker,

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 19th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-28
Register.

Acting Chairman.

Muskogee, Indian Territory, March 17, 1902 .

J. H. Huckleberry, Sr.,

Attorney at Law,

Sallisaw, Indian Territory,

Dear Sir:-

As requested in your letter of March 10, 1902, there is enclosed you herewith copies of the testimony in the following applications for enrollment as citizens of the Cherokee Nation.

Fannie Overtakerat al Cherokee D-90

Adam Brackett et al Cherokee D-D-93

Please signand return to the Commission receipts for this testimony.

Yours truly,

Commissioner in Charge.

Enc. J-4

Cherokee D-90.

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for the enrollment of Fannie and Maggie Overtaker, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tam-Tiber

Enc. D-75

Chairman.

Cherokee D-90.

Muskogee, Indian Territory, October 28, 1903.

Fannie Overtaker,

Sallisaw, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting your application for the enrollment of yourself and your sister, Maggie Overtaker, as citizens by blood of the Cherokee Nation.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. D-20

Register.

COPY.

Cherokee D-90

Muskogee, Indian Territory, October 28, 1903.

J. H. Huckleberry, Sr.,
Attorney for Fannie Overtaker et al.,
Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application of Fannie Overtaker for the enrollment of herself and her sister, Maggie Overtaker, as citizens by blood of the Cherokee Nation.

Respectfully,

T. B. Ross

Commissioner in Charge.

Enc. D-21
Register.

Cher 10337

William Cordrey

Trans. from D2636

Cher 10337

Q What is your name? A Emily [illegible]

Q What is your age? A Thirty one years.

Q What is your post office address? A Claremore, I. T.

Q Are you a citizen [illegible]

A Yes sir., I am.

Q For who do you desire to make application for enrollment

A For the following named children of the 1896 Cherokee roll, their families and descendants:

William Cordrey, page 137, # 1143, Coowescoowee District;
Rosa B. Cordrey, page 300, # 257, Coowescoowee District;

White adopted;
Note: "Quit husband. See W. C. Rogers". (Skiatook).

Q Are these the [illegible] children, [illegible] application for enrollment

A I desire to apply for [illegible] named persons [illegible] Cherokee roll, their family [illegible]

E. C. Barnett, [illegible] that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Barnett

Cher D 2636

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of LOUIS BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

William Cordrey, page 137, # 1149, Coweescoowee District;
Rosa B. Cordrey, page 300, # 253, Coweescoowee District;
White adopted;
Note: "Quit husband. See W. C. Rogers". (Skistook).

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

R. S. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R. S. Bagwell

Subscribed and sworn to before me this August 16, 1902.

[illegible]
Notary Public.

Q What is your post office address? [illegible] Chewmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

FILED
JUN 18 1903
IN THE MATTER OF DETERMINING THE RIGHTS OF MORE THAN ONE CLAIMANT TO THE SAME

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants

[illegible]

[illegible] William Gerary, page 145, [illegible] District, [illegible]
Note: "Step-son of Willis Hendricks".

E. C. Boswell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E
Enr D 2290

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

William Cordry, page 746, # 494, Tahlequah District;
Note: "Step-son of Willis Hendricks".

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 8, 1902.

A Reuter
Notary Public.

Q Do you know [illegible] people? A [illegible]
Q Do you know [illegible] William and Rosa [illegible]
A No sir, I don't.
Q [illegible] William Cordray [illegible]
A It must have been in Cooweescoowee A I don't know either. I believe he was here. I could not say whether he was living here or in Cooweescoowee.
Q Did he live in Tahlequah District when he was young? A Yes sir, he was raised here, and when he and Rosa Married, after they married, he went to Muskogee. He had a lease over here a long time, him and his father-in-law, then he moved out and went to Cooweescoowee.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 746, #494, William Cordray Tahlequah District, native Cherokee, age 17.
Note: Step-son of Willis Hendricks.

Q Who is Willis Hendricks? A That is my uncle.
Q Was he the husband of the mother of William Cordray? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 137, #1149, William Cordrey, Cooweescoowee District, native Cherokee, age 33.

Page 300, #2534, Rosa E. Cordrey, Cooweescoowee District, adopted white, age 28.

Q Do you know the date of the marriage of William Cordray and his wife Rosa? A No sir, I don't.
Q Do you know whether William Cordray is enrolled as a citizen of the Osage Nation or not? A No sir, I don't. [illegible]
Q Has he any Osage blood? A No sir.

R. 2636
Cher. D-~~2290~~.

De artment of the Interior.
Commi sion to the Five Civilized Tribes.
Tahlequah, I. T., August19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of WILLIAM CORDRAY as a citizen by blood of the Cherokee Nation.

DENNIS HENDRICKS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Dennis Hendricks.
Q How old are you? A Forty-eight.
Q Whatis your post office address? A Tahlequah.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know William Cordray? A Yes sir.
Q He is a man now about thirty-nine years of age? A Yes, he is somewhere in the thirties.
Q What is his post office address? A Could not tell you.
Q Does he reside in the Cherokee Nation? A No, he is not in the Cherokee Nation now. He is over in the Osage nation some here. I have not seen him for about two years. I don't know where his post office is.
Q Is William Cordray a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood has William Cordray?
A Could not exactly tell you, I think his grandfather was a full blood, and his grandmother was a white woman, that would make his mother half. His father was Love Cordray, and I don't know whether he was a half breed or not. That would make him a quarter, or someth ing like that.
Q You say Love Cordray is his father? A Yes sir.
Q Is he living? A No sir.
Q Was he a Cherokee by blood? A I think so.
Q In what district in the Cherokee nation did he reside?
A In Tahlequah, he died sometime during the war.
Q What is the name of the mother of William Cordray? A Minty.
Q Is she living? A No sir.
Q Was she a Cherokee by blood? A Yes sir.
Q How long has William Cordray been in the Cherokee Nation? A
✓ A Could not tell you exactly how long. He was out there until in the winter. He went out last spring.
Q Is he related to you? A Yes sir.
Q What relation is he to you? A I don't believe he is any. I only just married his mother's sister. I am his uncle by marriage. He is no kin to me.
✓ Q Until William Cordray went to the Osage Nation did he reside in the Cherokee Nation continuously all his life? A Yes sir.
Q Is he recognized as a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Is William Cordray married? A Not that I know of at this time.
Q Has he been married? A Yes sir, been married twice.
Q What was the name of his first wife? A Phemy.
Q Is she living? A No sir, she is dead.
Q Did they live together continuously until her death? A Yes sir.
Q After her death did William Cordray marry again? A Married a woman by the name of Rose Tackit.
Q Is she a white woman? A Yes sir.
Q Are they living together now? A No sir.
Q How long have they been separated? A Maybe a year, maybe a little over.
Q Do you know whether William Cordray has married since that time?
A No sir, could not say.

Q Do you know whether his wife Rosa has married since they separated? A No, I don't think she has.
Q Do you know about when William and Rosa were married?
A No sir, I don't.
Q In what district was William Cordray residing in 1880?
A It must have been in Cooweescoowee A I don't know either. I believe he was here. I could not say whether he was living here or in Cooweescoowee.
Q Did he live in Tahlequah District when he was young? A Yes sir, he was raised here, and when he and Rosa Married, after they married, he went to Muskogee. He had a lease over here a long time, him and his father-in-law, then he moved out and went to Cooweescoowee.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 746, #494, William Cordray, Tahlequah District, native Cherokee, age 17.
Note: Step-son of Willis Hendricks.

Q Who is Willis Hendricks? A That is my uncle.
Q Was he the husband of the mother of William Cordray? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 137, #1149, William Cordrey, Cooweescoowee District, native Cherokee, age 33.

Page 300, #253, Rosa B. Cordrey, Cooweescoowee District, adopted white, age 28.

Q Do you know the date of the marriage of William Cordray and his wife Rosa? A No sir, I don't.
Q Do you know whether William Cordray is enrolled as a citizen of the Osage Nation or not? A No sir, I don't.
Q Has he any Osage blood? A No sir.
Q Do you know of his wife having any right as a citizen of the Osage Nation? A No sir, I do not.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of September, 1908.

John Rosson
Notary Public.

William Cordrey et al.

Applicant recalled:

Q Did your husband, William Cordrey, draw strip money? A Yes sir.
Q He drew strip money? A Yes sir.
Q Do you know if he is a native of the Cherokee Nation? A Yes sir.
Q Did he always live there until he went to the Osage Nation? A Yes sir.
Q When did he go there? A He went there four years ago.
Q And has he been living there ever since? A Yes.
Q Has he married again? A He has a woman, I don't know whether he is married or not. They weren't married when they left the Cherokee Nation, and I couldn't say that he was.
Q Have you always considered yourself a citizen of the nation?
A Yes sir.
Q Was your sister's husband, Walton, a citizen of the nation
A Yes sir, he was a Shawnee citizen.
Q He is dead, is he? A Yes sir.
Q In what Court were you divorced from your husband, William Cordrey? A In the Claremore Court.
Q In the United States Court? A No sir, Cherokee Court.
Q You say you have a copy of that decree of divorce at home?
A Yes sir, I have it at Claremore.
Q Will you send it in to the Commission? A Yes sir.
Q Have you a marriage certificate of your marriage to Mr. Barker?
A Yes sir.
Q Will you send that in also? A Yes sir.
Q Do you know whether your husband, William Cordrey, was enrolled to be enrolled by the Commission? A No sir, I don't know.

Supplemental Statement.

[illegible]

Cherokee D-2636.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., May 18, 1903.

In the matter of the application of William Cordrey for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Rosa B. Cordrey, as a citizen by intermarriage of the Cherokee Nation.

Rosa B. Barker, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Rosa B. Barker.
Q How old are you? A Thirty-five.
Q What is your postoffice? A Tahlequah.
Q Are you a Cherokee or a white woman? A Cherokee.
Q How much Cherokee blood have you? A One-fourth.
Q What is your father's name? A William Tackett.
Q Is he a white man? A Yes sir.
Q Is he living? A No sir.
Q When did he die? A In '98.
Q What was your mother's name? A Elizabeth Tackett.
Q She was a Cherokee, was she? A Yes sir.
Q Have you any brothers or sisters? A I have one brother and one sister.
Q What is your brother's name? A Andrew Tackett.
Q What is your sister's name? A Minnie Viola Souther.
Q That is her married name? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Are you on any of the rolls? A Yes, I am on all the rolls except the roll where they drawed the strip money.
Q You didn't draw strip money? A No sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Have you lived there all your life? A Yes sir.
Q Are you on the roll of 1880? A I think so; my father drawed for me up until then.
Q What district did you live in twenty-three years ago? A In Delaware District, I think.
Q Your name then was Tackett? A Yes sir. I think it was in Delaware District. My name was lost off the roll when they had the little seminary girls copying the roll.
Q Who is Sarah Tackett? A My step-mother. In '80 my brother wasn't on the roll; he hadn't been on the roll since my mother died, when he was a little boy.
Q How did that happen? A He was always in Texas and wasn't here.

Upon examination of the roll of 1880, Delaware District, shows the name of applicant's father, William Tackett, appearing the con page 329, No. 2706, marked dead.

Q Your mother was dead before 1880, was she? A Yes sir.

Now then, the applicant's sister, Minnie, is found on that roll, Delaware District, page 344, No. 3100, as Minnie Viola Walton. Note: "These names are taken from the supplemental pay-roll."

Q Your sister was married to a man named Walton? A Yes sir, George Walton at that time.
Q Now, do you know whether your sister, Minnie, was admitted by the Dawes Commission in 1896, seven years ago? A Why, yes, I know she said they were.

Q She applied for enrollment there? A Yes sir, and she said she put my name in with hers, and therefore I never bothered about it; I never looked after it; she looked after it.
Q What was her name in 1896? A Her name was Minnie Viola Barker, I think it was in 1896.
Q Is George O. Walton your sister's child? A Yes sir, her oldest son.
Q And Thomas W.? A Yes sir, that is her child. She only has the two children living by Walton.
Q Was Walton a Shawnee? A Yes sir.

It appears from examination of the Index of persons admitted to citizenship in the Cherokee Nation under the act of Congress approved June 10, 1896, that George O. and Thomas W. Walton, the children of applicant's sister, Minnie, were admitted to citizenship in the Cherokee Nation by this Commission, under the provisions of said act of Congress.

Q Now, you don't know whether your sister applied for admission at that time, do you? A No, I don't.
Q Did you ever apply to the Commission for admission? A No sir, she did; she said she did. I was in bed sick and she said she applied for me.
Q Why did you think it was necessary for you to apply for citizenship if you were a citizen? A They told us to go before the Commission and get on the roll, and that is why we did it.
Q What was your name in 1896? A My name was Cordrey.
Q That was your husband's name? A Yes sir.
Q Was he a Cherokee by blood? A Yes sir.
Q When were you married to him? A We were married in '92.
Q He is dead is he? A No sir.
Q Are you divorced from him? A Yes sir.
Q Have you a copy of your decree of divorce with you? A I haven't it with me; it is in Claremore.
Q At home? A Yes sir, in Claremore.
Q When were you divorced? A I was divorced four years ago.
Q Have you married since your divorce? A Yes sir.
Q What is your present husband's name? A Milton Barker.
Q She married a brother of your present husband? A No sir.
Q No relation? A It is the same man; we both married the same man. She and him parted and he and I have been married a year the 23rd of this month.
Q Is your present husband a citizen? A Why, he claims to be, but he has never proven his right and he never bothered with it.
Q And he is not claiming any right? A No sir, he isn't claiming any right. His father used to be on the roll and used to be sheriff here, and he said it cost more to prove it up and he didn't feel able.
Q You were the wife in '88 of Cordrey? A Yes sir.
Q And you appear on the roll of '96 as an intermarried white? A That is what I learned.
Q You did n't know it before? A No sir. I didn't know it until my stepsister's son told me.
Q Did you ever make application for enrollment yourself personally? A No sir.
Q Did your husband ever make application for you? A We were here the fall after the strip payment, and after we called to draw strip money we were here after the strip payment;- here at Tahlequah. We lived then in Cooweescoowee District and we came down here and were here at the Capitol in the fall after the strip payment, and we found our parents' names, and my father told us just to wait until the Dawes Commission was in session and put in there, and it would cause us less trouble, and thatnis why we waited until then.

Q Did you ever make application to the Dawes Commission? A My sister did, I never did.
Q Recently, in the last three years? A No sir.
Q Did your husband ever make application for you, William Cordrey? A No sir, not that I know of.
Q You have been separated for four years? A Yes sir, he has been in the Osage and he hasn't been in the terri tory for four years unless he came to enroll.
Q He is a Cherokee? A Yes sir; he has been in the Osage Nation.
Q How long have you been married to Barker? A A year the 23rd of this month.
Q Have you owned property in the Cherokee Nation? A No sir, Mr. Cordrey,—— we owned two farms up there and Mr. Cordrey sold them before we were separated, and I haven't owned anything else; and since I failed to draw strip money I didn't care to own anything until my rights were settled.
Q Did you own any property in the Cherokee Nation before you married Cordrey? A No sir. I didn't want to intrude and I didn't want to be beat out of what I could make.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Have you any children? A No sir.
Q When did your mother, Elizabeth, die? A She died in '70s, but I couldn't tell you what year; I was so small.
Q In '70 something? A Yes sir. I couldn't tell you what year in the '70s she died, but it seems I heard my father say it was '72 or '3, as well as I remember. I was so small when she died.

William J. Tyner, being duly sworn, and examined by the Commission, testified as follows:
Q State your name? A William J. Tyner.
Q How old are you? A Twenty-two years old.
Q What is your postoffice? A Melvin.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, Rosa B. Barker? A Yes sir.
Q Did you know her father, William Tackett? A Yes sir.
Q How long have you known this lady? A Ever since I can recollect; I guess probably seventeen or eighteen years, ever since I can recollect.
Q Do you know her sister, Minnie? A Yes sir.
Q Do you know her brother, Andrew? A Yes sir.
Q Have they always been recognized as Cherokees by blood? A I didn't know anything about that.
Q Have you ever heard their citizenship disputed? A No sir, never heard it disputed.
Q Has Rosa Barker lived in the Cherokee all the time that you know of? A Yes sir.
Q Did you know her husband, William Cordrey? A Yes sir.
Q Do you know her present husband? A Yes sir.
Q Barker? A Yes sir, Milton Barker.
Q He is not a citizen of the nation, is he? A No sir, I think not; he doesn't claim it.
Q How long had you known William Cordrey? A I knew Cordrey for probably a year or two before the payment.
Q Before the Strip Payment? A Yes sir. I don't remember just when I first met him.
Q Is he a Cherokee by blood? A Yes sir.

Applicant recalled:
Q Did your husband, William Cordrey, draw strip money? A Yes sir.
Q He drew strip money? A Yes sir.
Q Do you know if he is a native of the Cherokee Nation? A Yes sir.
Q Did he always live there until he went to the Osage Nation? A Yes sir.
Q When did he go there? A He went there four years ago.
Q And has he been living there ever since? A Yes.
Q Has he married again? A He has a woman, I don't know whether he is married or not. They weren't married when they left the Cherokee Nation, and I couldn't say that he was.
Q Have you always considered yourself a citizen of the nation?
A Yes sir.
Q Was your sister's husband, Walton, a citizen of the nation?
A Yes sir, he was a Shawnee citizen.
Q He is dead, is he? A Yes sir.
Q In what Court were you divorced from your husband, William Cordrey? A In the Claremore Court.
Q In the United States Court? A No sir, Cherokee Court.
Q You say you have a copy of that decree of divorce at home?
A Yes sir, I have it at Claremore.
Q Will you send it in to the Commission? A Yes sir.
Q Have you a marriage certificate of your marriage to Mr. Barker?
A Yes sir.
Q Will you send that in also? A Yes sir.
Q Do you know whether your husband, William Cordrey, ever applied to be enrolled by the Commission? A No sir, I don't know.

Supplemental Statement.

A further examination of the Index of persons admitted under the act of Congress of June 10, 1896, shows that the applicant's sister, Minnie V. Souther, was admitted to citizenship by this Commission under the provisions of said act of Congress, under the name of Minnie Viola Barker, Docket "B", page 407, Case No. 5356.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. Rothenberger.

Subscribed and sworn to before me this 20th day of May, 1903.

Samuel Foreman.
Notary Public.

Cherokee D 2636.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August 19, 1903.

In the matter of the application for the enrollment of William Cordrey, et al. as citizens by blood of the Cherokee Nation.

O R D E R.

It is ordered that copies of Exhibit B. and Exhibit #5, now on file with the Commission in the matter of the application of Minnie Viola Barker, et al. for admission to citizenship in the Cherokee Nation, under the provisions of the Act of Congress, approved June 10, 1896 (29 Stats., 321), be filed herewith and made a part of the record in this case for the purpose of showing the identification of Elizabeth Tackett (formerly White), mother of the applicant, Rosa B. Barker, on the Cherokee Old Settler Roll of 1852.

Commissioner.

Exhibit 5.

UNITED STATES OF AMERICA)
INDIAN TERRITORY)
NORTHERN DISTRICT)

I, Minnie Viola Barker being first duly sworn on oath depose and say that I am the wife of Milledge Barker and I reside with him and my children near Oolagah in the Cherokee Nation and that my post office and the post office of my children is Oolagah Ind. Ter. That I am a Cherokee Indian by blood and intitled to all the rights, benefits and immunities of a member of the Cherokee Nation of Indians That I am 35 years of age. That prior to my marriage in 1894 with Milledge Barker I was the divorced wife of George S. Walton; that by said husband George S. Walton I had born to me in lawful wedlock two sons who are now living and whose names and ages are as follows,

George O. Walton, 11 years of age,

Thomas W. Walton 8 years of age.

That prior to my marriage to the said Walton my name was Tackett, and I am a daughter in lawful wedlock of William Tackett and Elizabeth Tackett his wife, now deceased whose name appears upon the authenticated censes rolls of the Cherokee Indians of Canadian District of the Cherokee Nation of 1880 as will more fully appear by reference being had to the certificate of the Executive Department of the Cherokee Nation which is herewith attached and marked Exhibit A, and made a part hereof.

That my said mother Elizabeth Tackett before her marriage to my father was named Elizabeth White and she was a daughter of Polly White a well known fully recognized and enrolled Cherokee Indian and her name Polly White appears upon the Old Settler Roll of 1852 of the Cherokee Indians. That the name of my said mother Elizabeth White also appears upon the Old Settler Rolls of 1852 and in support of the statement of my grand mother Polly White and my mother Elizabeth White appearing on said Old Settler Roll of 1852 I make reference to and part hereof, the certificate from the Executive Department of the Cherokee Nation which is herete attached and marked Exhibit B. That I have in years past been recog-

nized as a Cherokee Indian by blood by the Cherokee Nation of Indians and my name then Minnie Viola Walton appears upon the authenticated rolls of the Cherokee Nation as a Citizen thereof taken in 1880 as will more fully appear by reference being had to the certificate from the Executive Department which is hereto attached and marked Exhibit C., and made a part hereof. That said Exhibits above referred to being Exhibits A. B. C., were made out on the dates they propert to have been made out and were made and sealed in my presence and given to me in person. And the Executive Secretaries who signed the same were the Executive Secretaries at said times. That I have lived all of my life in the present Cherokee Nation and have never left the same only temporarily and I have never united with any other tribe, Nation or State or Government of any kind and I have never accepted or taken or been tendered any allotment of land or any other property. That the first time that I discovered that I was not recognized or would not be recognized was just prior to the Cherokee Strip Payment when they were taking the census roll for said payment. When we discovered this we immediately went to Tahlequah where Council was in Session and made application for reenrollment so that I could draw my per capita portion of the said Strip money but the Committee who were enrolling for the said payment refused to place my name upon the list entitled to draw said money. That at the next Council there after and when the rolls of the old Settlers was being made up I again put in my application before the Committee or Commission who were enrolling for the old Settler payment and that they refused to enroll me, or enrolld me and then struck my name from the file. I also made application to the Committee who were at that time enrolling for the Cherokee Strip Payment and they refused to enroll me except that I would pay them $80.00 for my enrollment and this I refused to do. That there were present at the time this proposition was made to me and sanctioned by four members of the said Commission.

(SEAL)

(Witness) Anna Fenton

her
Minnie X Viola Barker
mark

Subscribed and sworn to before me this the 31st day of August 1906

(Signed) W. C. Smith

Notary Public.

::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 19, 1905.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true copy of the original affidavit now on file with this Commission, in the matter of the application of Minnie Viola Barker, et al., to the Commission for admission to citizenship in the Cherokee Nation, under the Act of June 10, 1898 (29 Stats., 321), case #8266.

Commissioner.

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

Tahlequah, Ind. Ter., November 23rd, 1894.

This certifies that the following names appear on the the "Old Settler Roll of 1852:-"

Polly White,

John,

No. 50. Elizabeth,

Alice,

Mary,

Sarah.

Attest:

Seal of the Cherokee Nation.

(SEAL)

(Signed) John L. Adair,

Executive Secretary.

Exhibit B.

::::::

[illegible] Cherokee [illegible]

[illegible] E INTERIOR,
[illegible] IVE CIVILIZED TRIBES.

[illegible] matter of the application for the enrollment of William [illegible] and Rosa [illegible] Parker as citizens by blood of the Cherokee [illegible]

[illegible]

[illegible], it is made shown that on June 3, 1902, Tomet Starr appeared before the Commission and made application for the enrollment of William Cordrey and Rosa [illegible] Parker, by the name of Rosa [illegible] Cordrey as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on August 19, 1902 and on May 14, 1903.

The evidence shows that the said William Cordrey is identified as a native Cherokee on the 1880 authenticated Cherokee roll and on the 1896 Cherokee census roll; that the said Rosa P. Parker was formerly his wife, but separated from him and married one, Wilton Parker, prior to the date of her application herein. She is identified as an adopted white on the 1896 Cherokee census roll, by the name of Rosa [illegible] Cordrey.

The evidence shows, however, that said classification of Rosa [illegible] Parker as an adopted white is erroneous; that she is in fact a Cherokee by blood, being a daughter of one, Elizabeth Tackett (formerly White), who was a native Cherokee and who died prior to 1880.

It further appears that the said William Cordrey resided in the Cherokee Nation all his life up to the year 1899; and that the said Rosa [illegible] Parker has resided in said Nation all her life.

It is, therefore, the opinion of this Commission that William Cordrey and Rosa P. Parker should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory

this NOV 9 [illegible]

Commissioner.

INDEXED
COMPARED TO FILE NUMBERS
No.
JUL 17

Cherokee Land Office,
[illegible], 1903.

[illegible] Form [illegible] case [illegible]
[illegible], Cherokee [illegible].

Ch[illegible]

B09

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2636

Tahlequah, Indian Territory, July 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of July 15, returning the record in the matter of the application for the enrollment, as a citizen of the Cherokee Nation, of Rosa B. Cordrey, Cherokee D-2636.

It is stated that there is not considered to be sufficient record upon which to prepare a decision. No point, upon which further testimony is required, is mentioned however, but it is requested that the applicant be identified, if possible, upon some roll later than the 1880 roll and other than the 1896 census roll. Attnetion is also called to the fact that the applicant claims citizenship by blood and not by intermarriage as stated on the card.

In reply, I have to state that, while in her testimony of May 18, 1903, Rosa B. Cordrey claims to be a citizen by blood of the Cherokee Nation, her name appears upon the 1896 census roll, the only roll upon which she can be identified, as a citizen by intermarriage. When a decision shall have been rendered in this case, if her status is defined as a citizen by blood, it is suggested that the original card, now in the possession of the Commission at Muskogee, be corrected accordingly.

An examination has been made of the 1880 authenticated roll, the 1883 pay roll and the 1890 census roll of citizens of the Cherokee Nation, and Rosa B. Cordrey cannot be identified upon either of said rolls. The 1886 pay roll, which is in the office at Muskogee, can be examined there and the result of that examination, together with the information conveyed in this letter, can be embraced in a supplemental statement and made a part of the record in the case. It does not appear that further testimony is required in this case and the record is returned herewith.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-86

IN[illegible]D.

Cherokee Land Office,
Tahlequah, I. T.,
August [illegible], 1903.

Returns record in case of Rosa B. Cordrey. States she can not be identified on 1894 pay-roll.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2636

Tahlequah, Indian Territory, August 6, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of July 30, transmitting the record in the matter of the application of Rosa B. Cordrey for enrollment as a citizen of the Cherokee Nation, Cherokee D-2636, and asking that the 1894 payroll be examined for the name of this applicant.

In reply, I have the honor to state that this roll has been examined and Rosa B. Cordrey cannot be identified thereon. The record is returned herewith.

Respectfully,

H. J. Cook

Clerk in Charge
Cherokee Land Office.

MFM

Enc. M-166

COPY

Cherokee D-2634

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for the enrollment of William Gordrey and Rosa B. Barker as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-60.

COPY

Cherokee D-2636.

Muskogee, Indian Territory, October 28, 1908.

Rosa B. Barker,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1908, granting the application for the enrollment of yourself and William Cordrey as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Enc. D-24

Register.

Cher 10338

William Henry Fagan

Trans. from D2643

Cher 10338

Q What is your name? A [illegible] Starr.
Q What is your [illegible]?
Q What [illegible]
Q Are [illegible]
A Yes sir.
Q Per [illegible]
Q Pro [illegible]
[illegible]

Wm. H. [illegible], [illegible] 40, [illegible], Cherokee District,

[illegible]

[illegible] qualifications [illegible]
A I [illegible] 1880

[illegible]

E. C. Lapsley, [illegible] states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

B
Cher B 2643

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Wm. H. Ragan, page 160, # 1795, Coweesseenee District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Ingwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. Ingwell

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

Boston Public Library

Chef
Supp'l to D 2643

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 13, 1903.

In the matter of the application of WM. H. FAGAN, for the enrollment of himself as a citizen by blood of the Cherokee Nation:

WILLIAM H. FAGAN, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A William Henry Fagan.
Q How old are you ? A I am twenty four years old; twenty three or fours, somewheres like that, I was born in 1878 I believe.
Q What is your post office ? A Vera.
Q Are you a Cherokee by blood ? A Yes sir.
Q How much blood do you have ? A One-fourth I believe.
Q Where were you born ? A I was born at Cass Ferry on Grand river.
Q In the Cherokee Nation ? A Yes sir.
Q Have you ever made application to be enrolled ?
A I never this last time; I sent a paper to the Commission, I was in jail.
Q How long have you been in jail ?
A I have been in jail off and on ever since 1896.

The Commission: An examination of the records shows that heretofore, to-wit: on June 30, 1902, application was made for the enrollment of William H. Fagan, who is identified on the Cherokee Census Roll of 1896 at page 160, # 1795, Cooweescoowee District; but no testimony has been taken in the matter of said application.

Q Now this is the first time you have appeared before the Commission ? A Yes sir, the first time.
Q What is your father's name ? A My father's name was Jim Fagan
Q Was he a Cherokee ? A No sir.
Q He was a white man ? A Yes sir.
Q What was your mother's name ? A Malinda Emaline Blevins.
Q That was her maiden name ? A Yes sir.
Q She was married to your father ? A Yes sir.
Q Now was your mother Malinda admitted to citizenship ?
A Admitted, yes sir she was admitted.
Q Where did she come from ? A I don't know where she come from; I can't tell that, she died you know when I was small.
Q She wasn't born in the Cherokee Nation was she ?
A No, she wasn't born in the Cherokee Nation, she come to this country when the rest of them come in.
Q You were about two years old then were you; when she come here ?
A No, I was born here, right down here on the Grand River.
Q Then your mother came to this country sometime before she was admitted I guess ? A Yes sir.
Q Do you know how long your mother had been here before you were born ? A No sir, I don't know how long she had been here; she come here when the war was ending.
Q Now did your mother have some brothers and sisters admitted with her ? A She had a sister.
Q What was her name ? A Her name was Ann.
Q Did you know Pearlie Ellen Fagan ? A Yes sir.
Q Who was she ? A She was my sister.
Q You had a brother named James Alexander ? A Yes sir.
Q And one named Joseph Asbury ? A Yes sir.
Q You were admitted to citizenship at the same time your mother was ? A Yes sir.

The Commission: An examination of the record in Cherokee D 552, shows that the applicant, William Henry Fagan, together with his mother Malinda, his sister Peachie Ellen and his two brothers just named, were admitted to citizenship in the Cherokee Nation, by the Cherokee Commission on Citizenship, composed of Thomas Tehee, Alex Wolfe and T. F. Thompson, on the 28th day of September, 1883.

Q Now Mr. Fagan where have you been residing since 1883 ?
A I have been in the Cherokee Nation all the time until twenty five months I was up at Leavenworth, Kansas, in the penitentiary.
Q When were you sent up there ? A In 1897.
Q You lived in the Cherokee Nation from 1883 to 1897 continuously ?
A Yes sir, ever since I was born until I was sent away.
Q You got out of Leavenworth penitentiary when ? A In 1899, or somewhere along there.
Q Where have you been living since 1899 ? A Over here at Vera most of the time, that is where I make my home.
Q You have been living there since 1899 since you came back from Fort Leavenworth ? A Yes sir, I came back there when I came back from Leavenworth.
Q You have been living there continuously ?
A I have been there what time they didn't have me at Muskogee.
Q You have been back in jail since then ? A Yes sir, twice.
Q When did you last get out of the penitentiary up there ?
A At Leavenworth ?
Q Yes. A I believe it was September 2, 1900.
Q You haven't been in jail since 1900 ? A Yes, I was in jail in 1901 and 1902.
Q In Muskogee ? A Yes sir.
Q But not in the penitentiary ? A No sir.
Q So that, with the exception of the times you have been in the penitentiary or in jail at Muskogee, you have always lived in the Cherokee Nation . A Yes sir, never have been out.
Q Are you married ? A Yes sir.
Q What is your wife's name ? A Before we was married her name was M Ellen Hayes.
Q Is she a white woman ? A Yes sir.
Q When were you married to her ? A In 1900.
Q Had she ever been married before ? A No sir.
Q She is not a citizen ? A She is not claiming.
Q Have you any children ? A No sir.
Q That is the only time you have ever been married ?
A No sir, I was married once before.
Q What was your first wife's name ? A Lula Towey.
Q Was she a white woman ? A Yes sir.
Q When were you married to her ? A In July, 1897.
Q And she is not a citizen ? A No sir.
Q Just had the two wives ? A Yes sir.
Q In what district have you been living ? A Cooweescoowee.
Q Your home has been in Cooweescoowee district all the time ?
A All the time until I used to live at Tahlequah, about a year, and since then I have been living here in Cooweescoowee all the time.
Q Now the reason you have not been before the Commission is because you have been in jail so much, is that it ?
A Yes sir.
Q Did you come in to file on your land today ?
A Yes sir.
Q You have got a farm in the Cherokee Nation, have you ?
A Yes sir.
Q Have you got your allotment selected ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this July 31, 1903.

Samuel Foreman.

Notary Public.

Cher.D2643.

Commission on Citizenship. Tahlequah C. N.Sept.13th 1880.

Case 43, Malinda Fagan,
Peachie Ellen Fagan,
James Alexander Fagan,
Joseph Asbery Fagan, (Petition for Citizenship.
Wm.Henry Fagan, (
Vs. (C. H. Taylor, Attorney for claim-
Cherokee Nation. ants.

Continued until January term 1881 by plaintiff.
Submitted by plaintiff Jan. 11th 1881.
The above case continued by the Cherokee Nation until September 1881.
September 5th 1881 the above case submitted by plaintiff.
The above set for trial on 26th inst.
The above case continued by the attorneys for the Nation Oct? 3d 1881.
October 4yh 1882.
Continued by Commission to January term 1883.
Continued till September term 1883.
Case submitted by Soliciter September 21st 1883.

And now on this the 28th day of September, A. D. 1883 this case coming on for final hearing and all the evidence produced in the case being carefully read and Duly considered it was decided by the Commission on Citizenship that the above named claimants, Malinda Fagan, Peachie Ellen Fagan, James Alexander Fagan, Joseph Asbery Fagan & Wm. Henry Fagan are Cherokees by blood and that they are justly entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation and that they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as Native born Cherokees.

Thos,Tehee,President Com.
Alex Wolf (Commission-
T. P. Thompson (ers
Wm. Eubanks,
Clerk Com.
Pro tem.

Copy furnished September 3rd 1884.
C. O. Fry, clerk,
Com. on Citz.

Executive Office Cherokee Nation,
Tahlequah I. T.
(SEAL)

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 27th day of June 1901.

(SIGNED) B. W. Alberty,
Assistant Executive secretary,
Cherokee Nation.

::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,August 17, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing transcript is a true and complete copy of the original now on file with this Commission.

Cherokee D 2643.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Henry Fagan as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of William Henry Fagan as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, April 13, 1903, at which time the applicant appeared in person and testified in his own behalf.

The evidence shows that on September 28, 1883, the applicant, among others, was admitted as a citizen by blood of the Cherokee Nation by the duly constituted authorities of said Nation. He is identified on the 1896 Cherokee census roll.

The evidence further shows that the applicant resided in the Cherokee Nation continuously from the date of his admission in 1883 until 1897, at which time he was sent to the penitentiary, where he remained until 1899.

It is, therefore, the opinion of this Commission that William Henry Fagan should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this OCT 9 1903

W. E. Manning
Commissioner.

COPY

Cherokee D-2643.

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for the enrollment of William Henry Fagan as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-81

COPY.

Cherokee D 2643

Muskogee, Indian Territory, October 28, 1903.

William Henry Fagan,

Vera, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1902, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-23

Register.

Cher 10339

Grover C. Patrick

Trans. from D2968

Cher 10339

Grover Stars 1869 Illinois District.

[illegible] appli-
cat[illegible]
A [illegible] 1860
Che[illegible]

[illegible] that as stenographer to the
Commission [illegible] United States, I correctly recorded the
testimony [illegible] above entitled cause, and that
the foregoing [illegible] transcript is my stenographic notes
thereof.

E. Bagwell

Subscribed [illegible] before me this December 9, 1902.

B. Bond

R

Gner D 2968

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:-

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Grover Stars #1869 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

H. C. Bagwell, on oath states that as stenographer in the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

AUG 7 1903

Cherokee D-2968

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 27, 1903.

In the matter of the application for the enrollment of Grover C. Starr as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

JENNIE L. CONRAD, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Jennie L. Conrad.
Q How old are you? A 48.
Q What is your postoffice address? A Braggs.
Q Have you a son you wish to have enrolled as a citizen by blood of the Cherokee Nation?
A Yes sir.
Q What is his name? A Grover Patrick.
~~Q Is it Grover C. Patrick? A Yes sir.~~
Q How old is he? A He is 16.
Q What is his postoffice address? A Braggs.
Q Does he live with you? A Yes sir.
Q Has he lived all his life in the Cherokee Nation?
A Yes sir.
Q What degree of Cherokee blood has he? A Well now, I couldn't say.
Q What degree of blood are you? A I couldn't tell you that either; my father was a half-breed and my mother was more Indian than white.
Q You are the mother of Grover C. Patrick are you? A Yes sir.

COMMISSION: Jennie L. Conrad is listed upon Cherokee card 2244 as a citizen by blood of the Cherokee Nation, and her name appears upon the final roll of citizens of the Cherokee Nation, number 5826, as Jennie L. Starr.
She is identified upon the 1880 authenticated roll, number 1821, Illinois District.

Q Who is the father of Grover C. Patrick?
A John Patrick.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q How much Cherokee is he? A Why, about 1/8 I guess; I think he claimt that.
Q This boy then would be about 9/32 Cherokee, would he not?
A I guess so, I could not say positive.
Q Do you know how this boy, Grover, was enrolled in '96?
A I'll tell you how it was - - - -
Q Do you know what name he was enrolled under?
A I didn't give the name.
Q Has he a sister named Laura?
A Yes sir.
Q And one named Bertha? A Yes sir.
Q And one named Annie? A Yes sir, full sisters.

Q How were they on the '96 roll, under what name? A Starr.
Q Grover was about 9 years old in '96? A Yes sir.
Q Did you enroll him at the same time you enrolled these three girls? A No sir.
Q What district was he in in '96? A Illinois District.
Q Were you at one time married to a man named Henry Starr?
A Yes sir.

COMMISSION: The records of the Commission show that Grover C. Patrick has heretofore been listed from information upon Cherokee card D-2968 as Grover Stars. This testimony will be taken as supplemental testimony in that case.

Q I believe you state that Grover C. Patrick has lived all his life in the Cherokee Nation? A Yes sir.
Q Living in the Cherokee Nation now? A Yes sir.

COMMISSION: Grover C. Patrick is identified upon the 1896 census roll of citizens of the Cherokee Nation, page 906, number 1869, as Grover Stars, native Cherokee, aged 9; notes "Son of Mrs. Henry Starr."

++++++++++++++++++

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 28th day of July, 1903.

Samuel Foreman
Notary Public.

MFM

Cherokee D 2962.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grover C. Patrick as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Grover C. Patrick, by the name of Grover Stars, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, July 27, 1902.

The evidence shows that the applicant was born since 1880 and is the minor child of one, Jennie L. Conrad, who is a Cherokee by blood and identified on the 1880 authenticated Cherokee roll. The applicant is identified as a native Cherokee on the 1896 Cherokee census roll by the name of Grover Stars.

The evidence further shows that the said Grover C. Patrick has ~~resided all his life in the Cherokee Nation.~~

It is, therefore, the opinion of this Commission that Grover C. Patrick should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this OCT 9 1903

Cherokee D-2968

Muskogee, Indian Territory, October 10, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for the enrollment of Grover C. Patrick as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby

Enc. D-76.

Chairman.

COPY.

Cherokee D-2968.

Muskogee, Indian Territory, October 28, 1903.

Grover C. Patrick,

Braggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, granting the application for your enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Enc. D-22

Register.

Cher 10340

Ettea F. Marshall

Trans. from D135

Cher 10340

N 133

2-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1900

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MULDROW, I. T., AUGUST 16th, 1900.

IN THE MATTER OF THE APPLICATION OF Terrell Henson for his four children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. . Breckinridge, testified as follows:

Q What is your name? A Terrell Henson.
Q What is your age? A Going on twenty six.
Q What is your Postoffice? A Akins.
Q What is your District? A Sequoyah.
Q For whom do you make application for enrollment?
A Four children.
Q Are these children your own children? A No sir.
Q Are they kin to you? A Yes sir.
Q What kin are they to you? A They are my sister's children.
Q Is your sister dead? A Yes sir.
Is their father dead? A Not that I know of.
Q Are the circumstances such that you can not rely on their father to look after their ~~rights~~ interests? A Yes sir.
Q Are these children Cherokees by blood? A Yes sir.
Q Through your sister? A Yes sir.
Q What is the name of their mother? A Alice Henson.
Q Alice Henson was her maiden name was it? A Yes sir.
Q What was her name at the time she died? A Alice Avant.
Q How long has their mother been dead? A Been dead about a year; a little over a year.
When did she take the name of Avant? A I can not tell exactly It has been eight or nine years.
Q Before that, she was a Henson, was she? A She was a McCoy.
Q At the time of her death, she was named Avant, was she?
A Yes sir.
Q What was her name before it was Avant? A McCoy.
Q What was her name before it was McCoy? A Henson.
Q That is the order of her name then? A Yes sir.
Q How old was she when she died? A About thirty nine, I reckon.
Q How long was she called Avant? A Seven or eight years, I reckon.
Q How long was she called McCoy? A About a year, I reckon.
Q Is she on the roll of 1880? A I can not tell you; I think she is.
Q You are on the roll of 1880? A Yes sir.
Q Give me the names of these children? A The oldest one is named Etta McCoy.
Q How old is that child? A She is about fourteen I reckon.
Q What is the name of the next child? A Lands., Dottie Lands.
Q How old is Dottie Lands? A She is about ten or eleven I guess.
Q What is the name of the next child? A ~~Matilda~~
A Matilda Avants.
Q How old is that child? A She is about six years old I guess.
Q What is the name of the next child? A Artie Avants.
Q How old is that child? A She is about five I reckon.
Q Is she on the census roll of 1896? A I think so.
Q Was your sister a Henson in 1880? A I can not say whether she was or not.
Q Are these children all living at this time? A Yes sir., I think so.
Q Do you say you think they are living, or do you know they are living? A They are living.
Q What is the name of your sister's mother? Margaret Henson.
Q What is the name of her father? A Tom Henson.
Q Is her mother living? A No sir.
Q Is her father living? A No sir.
Q Is her mother a Cherokee by blood? A No sir.
Q Is her father a Cherokee by blood? A Yes sir.

Q Did her father die before 1880? A He has been dead about four years, I reckon.
Q Four years? A Yes sir.
Q How long has her mother been dead? A About three I guess.

By Mr. A. A. Hutchings, Cherokee Represnative:
Q Did you not have a sister named Josie? A Yes sir.
Q You had a sistr named Artie? A Yes sir.
Q Your siter Artie would be just thirty nine, would she not, or twenty nine; your mother was but thirty two when the 1880 roll was made, was she not? A I do not remember.

By the Commission:
Alice Avants, identified on the roll of 1894, Page 931, #15, as Alice Avance, Sequoyah District)
Etta Avants identified on the roll of 1894, Page 931, #16, Etta Avance, Sequoyah District)
(Dottie Avants identified on the roll of 1894, Page 931, #17, as Dottie Avance, Sequoyah District)
Q Your sisters family was admitted to citizenship by the Cherokee authorities in 1870, or 1871, were they not? A I think so, I do now know.
Q Do you understand that your father and mother were admitted at that time? A No sir; I do not know whether they were or not.

In the application for the four children, whose names are given as Etta McCoy, Dottie Lands, Matilda Avants and Artie Avants, the mother is said to be a native Cherokee, and her age, if she were ~~living at this time would be about forty years; she is shown to have~~ been dead something over one year; a little over one year; the mother is not found on the roll of 1880, nor on the roll of 1896, but she is identified on the roll of 1894 as Alice Avance: It is thought that this mother belongs to the family of Avants who were admitted to citizenship by the Cherokee courts or Commission on citizenship, in or about the year 1871. The mother of these children is shown by the evidence of what would be her age if she were now living, to be in the certificate of admission of that date. That can not be consulted at this time; and hence, it is at present left, so far as this is concerned, undetermined whether her omission from the roll of 1880 was a matter of design or neglect. It can not therefore be determined now whether she is rightfully of Cherokee blood: Her children are by different fathers, and no claim is made for them through their fathers, or by reason of any form of marriage between their mother and their fathers. ~~[illegible]~~ The first child, Etta McCoy is identified on the roll of 1894, as Etta Avance, and she is also identified on the roll of 1896. The second child, Dottie Lands is identified on the roll of 1894 as Dottie Avance, and she is identified on the roll of 1896. The other two children, Matilda and Artie Avants are not identified on any roll, although the oldest of these two is probably of an age to have been on the roll of 1894, and both are of an age to have been on the roll of 1896. The claim of these children, begun in the obscurity of their mothers claim is left in great uncertainty, and all the names now applied for will be placed on a doubtful card.

Jurisdiction is claimed in regard to these two younger children, upon the theory that, if they are Cherokee citizens, they are so by birth, and they are given the benefit of whatever doubt there may be in assigning them to the present classification.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing

case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Crawford

Sworn to and subscribed before me this 24th day of August, 1900.

COMMISSIONER.

Etta F. McCo[illegible]

Bruce [illegible]nes, [illegible]ing duly sworn, says that as stenographer to the Commission [illegible] Civilized Tribes he reported the testimony of the a[illegible]tness, and that the foregoing is a full, true and cor[illegible] translation of his stenographic notes.

Bruce Jones

Sworn to and subscribed before me this the 25th day of August, 1900.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
I. T. D.
[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 17, 1900.

D. 155.

In the matter of the application for the enrollment of Etta McCoy et al.

Additional testimony.

William C. P. Edwards, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William C. P. Edwards.
Q How old are you? A 48.
Q What is your post office address? A Maple Springs.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir, I am not.
Q You present letters of guardianship here and apply for the enrollment of Etta F. McCoy and Dotta McCoy, do you? A Yes, sir.
Q What is the age of Etta F. McCoy? A 15.
Q What is the age of Dotta McCoy? A Ten.
Q In what district do they live? A In Sequoyah.
Q How long have they been living in Sequoyah? A I can't tell you, but I expect all their lives, I have been acquainted with them 8 years.
Q What is their father's name? A Robert McCoy.
Q Is he living? A Not that I know of.
Q What is the mother's name? A To-day she goes by the name of Alice Avants.
Q Is she living? A No, sir, she is dead.
Q What was her mother's name? A I really can't tell you her name, her father's name was Tom Henson.
Q Was he a citizen? A Yes, sir.
Q Is he living? A No, sir.
Q Do you know what the name of the mother of these children was in 1880, 20 years ago? A I don't, I reckon it was Henson.
(Roll of 1880 examined and name of the mother not found thereon; not found on 1896 roll.)
Q What was her name four years ago? A Avants.
Q Did these children always go by the name of McCoy? A Now her family and people around here, people not acquainted with them, call them Avants.
Q Did they draw the strip money? A Yes, sir.
Q By what name? A I don't know whether it was by the name of Avants or McCoy.
Mr. W. W. Hastings, representative of the Cherokee Nation: How long have you been keeping these children? A Them people here will tell you.
Q How long have you had these children? A Since about the first of last October.
Q You have been a claimant to citizenship in the Cherokee Nation? A Yes, sir.
Q And you have been rejected? A I suppose so.
Q And you own a farm in the Cherokee Nation? A I don't own a farm.
Q You did own a farm? A I had a patch.
Q And how you have got these children in order to hold this land in these children's name? A I sold this land to these children's people, to their mother, and her stepfather turned the land over to them, they couldn't pay me for it when I sold it to them and I was to keep it and give them so much a year for the place.
Q How long was you to keep it? A I was to keep it four years.

Commissioner Needles: Upon an examination of the record, it is found that Etta F. McCoy and Dotta McCoy were duly enrolled upon a doubtful card on the 16th of August, 1900. These children have already been enrolled, and it doesn't make any difference who enrolled them, the custody of the children is between you and the person that has got them.

Etta F. McCoy et al.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce S. Jones

Sworn to and subscribed before me this the 25th day of August, 1900.

Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Mary M. Grant

as a citizen of

Cherokee Nation

Approved, MAY 31 1904

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 30 1905

1340

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Mary M. Avant (Here insert name of child), born on the 1st day of September, 1899

Name of Father: James T. Avant, a citizen of the Cherokee Nation,

Name of Mother: Alice Avant (deceased) a citizen of the Cherokee Nation,

Post-office, Sallisaw, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation, that a (male or female) child was born to me on the day of 1 ; that said child has been named , and is now living.

WITNESSES TO MARK

(Sign in Ink)

Subscribed and sworn to before me this day of 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Elizabeth Martin, a Midwife, on oath state that I attended on Mrs. Alice Avant, wife of James T. Avant, on the 1st day of September, 1899, that there was born to her on said date a female child; that said child is now living and is said to have been named Mary M. Avant.

her
Elizabeth + Martin
mark

WITNESSES TO MARK

(Sign in Ink) M. C. Lowrain
J. B. Ashton

Subscribed and sworn to before me this 17 day of January, 1901.

J. V. Rudlebaugh
Notary Public

R 6158

20

IN RE

Application for Enrollment of

INFANT CHILD

Alvin W. Ward

as a citizen of the

Cherokee Nation.

Approved, January 31 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 30 1901

ACTING CHAIRMAN

6158

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Tray Avant (Here insert name of child), born on the 25 day of March, 1898

Name of Father: James Avant, a citizen of the by adoption Nation.

Name of Mother: Alice Avant, a citizen of the Cherokee Nation.

Post-office, Chelsea

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation; that a (male or female) child was born to me on the day of 1 ; that said child has been named , and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this *day of* *190*.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Cherokee District.

I, Mollie Henson, a Midwife, on oath state that I attended on Mrs. Alice Avant, wife of James Avant, on the 25th day of March, 1898; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Tray Avant

WITNESSES TO MARK:

(Must be Two Witnesses.) S. S. Buckleberry. D. B. Jones

her + Mollie Henson mark

Subscribed and sworn to before me this 9th *day of* August *190*0

J. H. Buckleberry
NOTARY PUBLIC.
Com. Expires Feb 24th 1904

United States of America
Northern District Indian Territory
Department of the Interior
Commission to the Five Civilized Tribes

Sebey

Thomas Blair being duly sworn upon oath states that he is personally well acquainted with Fray Avant who he desires to have enrolled as a Cherokee by blood that he was well acquainted with said Fray Avants mother Her maiden name was Allice Henson, she was a second cousin by blood Her father and I was first cousins and also his mother who was also a Cherokee by adoption I know of their marriage to a court was not present at their marriage but I know they were always reputed to be husband and wife and were so regarded by all who knew them said Allice Avant and James Avant had as the fruit of said marriage [illegible] children and Fray Avant being the issue of said Children that said Fray Mother is dead and father the said James

[illegible] said child and that upon person the [illegible] of said [illegible] said child [illegible] to Mrs Margret Blair to take care and raise said child and that the affiant will make application to the U.S. court to be appointed his guardian

Thomas Blair

Subscribed and sworn to before me the 8th day of August A.D. 1866

J. A. Hutchesonson
Notary Public

United States of America,
Northern District Indian Territory

In Department of Interior
Commission to the final enrolled Tribes
I Spencer Henson being first duly sworn
upon oath states that my post office is
Atoka Indian Territory my age is
26 years and I am a citizen by blood
of the Cherokee Nation that my
father's name was Thomas Henson a Cherokee
by blood and that my mothers name
was Mary Henson an adopted citizen
of the Cherokee Nation

that they had born to them one
Alice Henson who married one
James Avant that was a fruit of
said marriage there was born to
them four children to wit
Tommy Avant age 8
Tilda Avant age 6 years old
Artie Avant age 4 years old &
Tray ~~Avant~~ Avant two years old that
that the mother of said children
are dead and their father has
abandoned them. that he found
all of said children when
small and know them to be
Alice Avants Children

attest and that they are genuine by blood
S. C. Pickleberry Spencer Henson
Monk

Sworn to and subscribed before
me this 7th day of August, 1908
P. H. Buckleberry Sr
Notary Public

Ans. 9. c 26.

6158

James Thomas Avant--2.

J. . Foston, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

Subscribed and sworn to before me this 6th day of [illegible], 1900.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 5th, 1900.

In the matter of the application of James Thomas Avant for the enrollment of his children, MARY M., ARTIE M. and TROY M. AVANT and his step-children, EDDIE FLORENCE McCOY and DOTTIE McCOY, as citizens of the Cherokee Nation; said Avant being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James Thomas Avant.
Q How old are you, Mr. Avant? A 34.
Q What is your post office adress? A Illinois.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee nation? A No, sir, my wife is; I was married under United States law.
Q Whom do you want to enroll? A My children.
Q Your wife and children? A No, sir, she is dead.
Q What was her maiden name? A Alice Henson.
Q How old would she be now? A She would be 36.
Q What is her father's name? A Thomas Henson.
Q Is he living? A No, sir.
Q What is her mother's name? A Mary Henson.
Q Is she living? A No, sir.
Q What are the names of these children? A They are two my step-children.
Q Your wife's children? A Yes, sir.
Q Well what istheir names? A Eddie Florence McCoy.
Q How old is that child? A She was 15, the 25th of December.
Q What is the name of the next child? A Dottie McCoy.
Q How old is Dottie? A 12.
Q What is the name of the next child? A George Thomas Avant.
Q How old is he? A He will be nine years old the 15th of next October.
Q What is the name of the next child? A Mary Matilda.
Q How old is she? A Six years old.
Q The next child? A Artie May.
Q How old is she? A She is going on Five.
Q The next child? A Troy Melvin.
Q How old is he? A Two years old.
Q When were you married? A I was married in '90.
Q Your wife is not living? A No, sir.
Q She was married to McCoy before she married you? A Yes, sir.
Q What was her maiden name? A Henson.
1880 Roll; page 371, #632, Allick Henson, Flint.
Applicant:--She is not on the '96 roll.
Q Why is not she on the 1896 roll? A I was gone to the Choctaw Nation and did not get back until this roll was taken.
Q Was your wife enrolled in1894 A Yes, sir.
(Upon examination of the records it is found that these McCoy children have been enrolled.)
1894 Roll; page 931, #18, Thomas Anance, Sequoyah.

Com'r Needles:--The name of George T. Abantx appears upon the census roll of 1894 as Thomas Avnace. He is identified as the son of Charles T. Avant, a non-citizen, by Alice Henson, a Cherokee citizen by blood, whose name appears upon the authenticated roll of 1880 as Allick, she now being deceased. Said James T. Avant avers that by said Alice Henson, his wife, he had three children, namely: Mary M., Artie M. and Troy M., whose names do not appear upon any of the rolls now in the possession of the Commission. They are identified as the children of said Alice Henson, consequently upon the filing with this Commission satisfactory proof of the birth of said children, the said Mary M., Artie M. and Troy M. Avant, will be duly listed for enrollment as Cherokee citizens by blood.

James Thomas Avant--2.

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcpt of his stenographic notes thereof.

J. C. Rosson

Subscribed and sworn to before me this 6th day of December, 1900.

Commissioner.

On the 4th day of February, 1922, Terrell Henson, the uncle of the applicant in this case, was notified by registered letter that this case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting this application. He was also requested to furnish the Commission with satisfactory proof as to the birth of Matilda Avant and Artie Avant. He has been called three times, and fails to respond either in person or by attorney, and the case is closed.

Commissioner.

D. 158.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Etta McCoy and others for enrollment as citizens of the Cherokee Nation.

On the 4th day of February, 1902, Terrell Hanson, the uncle of the applicant in this case, was notified by registered letter that this case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting this application. He was also requested to furnish the Commission with satisfactory proof as to the birth of Matilda Avant and Artie Avant. He has been called three times, and fails to respond either in person or by attorney, and the case is closed.

Commissioner.

FILED
AUG 7 1903

Cherokee D-135

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 27, 1903.

In the matter of the application for the enrollment of Ettea McCoy and her half-sisters and half-brothers, Dottie Lands, Matilda, Artie, George T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

RICHARD HENSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Richard Henson.
Q How old are you? A I was born in '65.
Q What is your postoffice address? A Claremore.
~~Q Are you enrolled by this Commission as a citizen of the~~
Cherokee Nation? A Yes sir.
Q Do you know this man, James Avant? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Her name was Alice; if she had any other name I didn't know it.
Q Was she married before he married her? A Yes sir; had one child.
Q How many times? A One time.
Q What was the name of her first husband? A I don't know his name cause they were living in Flint District.
Q What was her maiden name? A Alice Henson was her maiden name. She was an own cousin to me; we were brothers' children.
Q When you were both children did you live near each other?
A Yes sir, went to school together.
Q Is Alice Avant living now? A No sir, she's dead.
Q When did she die? A I don't know, sir; I think in Cooweescoowee District,---I don't know when she died.
Q About how old would she be if she were living now? A I think she's a couple, two or three years older than I am, I don't know.
Q That would make her about 40 years old now? A Yes sir, she would have been about 40 years old I think.
Q Was she a Cherokee by blood? A Yes sir, always claimed to be.
Q Is she on the '80 roll? A I couldn't tell you whether she is or not.
Q Do you know any reason why she should not be? A No sir, I don't.
Q What was her father's name? A Tom.
Q Was he a Cherokee by blood? A Yes sir.
Q What was her mother's name? A Always called her Licks.
Q Was she a white woman? A Yes sir.
Q Was Alice the oldest one in the family? A Yes sir.
Q Did she have a brother named Alleck? A None that I know of.
Q Did you know the family very well? A Yes sir, I was raised with them.

Q What is the next child to Alice? A Jim.
Q What was the next one to Jim? A Jack.
Q The next one to Jack? A Artie.
Q And you say there was no Alleck in that family? A None that I know of.
Q And Alice was the oldest one in the family? A Yes sir.
Q Older than Jim? A Yes sir.

COMMISSION: The 1880 authenticated roll of citizens of the Cherokee Nation examined and Alice Avant identified thereon, page 371, number 632, as Alleck Henson, native Cherokee, 15 years of age, sex M.

Q Did Alice Henson live in the Cherokee Nation as long as you knew her? A Yes sir.
Q Did you know her up to the time of her death? A No sir.
Q Up to what year did you know her? A Up to a year or two before her death.
Q Did you know any of her children? A Yes sir, I knew the oldest one.
Q You didn't know any but the oldest child? A No sir.

JAMES THOMAS AVANT, being sworn and examined by the Commission, testified as follows:

Q What is your name? A James Thomas Avant.
Q How old are you? A I am 38 going on 38.
Q What is your postoffice address? A Vian.
Q Are you enrolled by this Commission as a citizen of the Cherokee Nation? A Yes sir.
Q Where did you apply for enrollment? A I have not applied; I was aiming to.
Q Are you on the 1896 roll? A No not here, I was in the Choctaw Nation the time the '96 roll was made.
Q Are you enrolled in the Choctaw Nation? A Yes sir.
Q You don't claim to be a Cherokee by blood, do you? A No sir.
Q How do you expect to be enrolled as a Cherokee ~~xxxxxxxxxx~~ when you are enrolled as a Choctaw? A I was aiming to transfer if I could; parties has told me they have; I allowed to enroll here with my children.
Q Have you got some children who are enrolled as Cherokees?
A Yes sir.
Q What are their names? A Thomas Avant.
Q Is his name George Thomas? A George Washington Thomas, named him after his grandfather.
Q How old is he? A He will be 11 years old the last day of September.
Q What is the next one's name? A Mary Matilda.
Q How old is she? A She was born in '94.
Q What is the next one's name? A Artie May.
Q How old is she? A She was born in March, '96.
Q What is the next one? A Troy Melvin.
Q How old is he? A He was born in '98.
Q Are all of these children living now? A Yes sir.
Q Are any of these children enrolled in the Choctaw Nation?
A No sir.
Q Did you ever apply to have any of them enrolled down there?
A No, I was talking to some of them and they allowed they couldn't on account of their being Cherokees and being raised here. I never did try.

Q Are any of these children on the Choctaw rolls with you?
A No sir.
Q Did they ever draw any money in the Choctaw Nation?
A No, they drawed their money here, my children did.
Q And you claim that you have never applied to this Commission to have them enrolled as citizens of the Choctaw Nation?
A No sir.
Q Who is the mother of these children? A Alice Henson.
Q Is she living now? A No sir, she's dead.
Q When did she die? A 16th of September, '99.
Q Was her name Alice Avant when she died? A Yes sir.
Q Was she a Cherokee by blood? A Yes sir.
Q Is her name on the 1880 roll? A I suppose it was; she had told me she never missed her enrollment.
Q Was she married before you married her? Yes sir.
Q Did she have any children? A Yes sir.
Q What was the name of the oldest one? A Ettea Florence McCoy.
Q Was she married to a man named McCoy at one time? A Yes sir.
Q Have a child named Dottie Lands? A Yes sir.
Q Are both of these children living now? A Yes sir.
Q Have these two children I just asked you about and your four children lived all their lives in the Cherokee Nation?
A Yes; they don't know anywhere else only the Cherokee Nation.
Q They neverlived with anybody outside of the nation? A No sir.
Q Are they all living here now? A Yes sir.
Q Who does Ettea Florence live with? A She married.
Q What is her name now? A Marshall.
Q When was she married? A She was married in 1902.
Q What day? A Well, I don't remember.
Q Was it before the first of September? A Yes sir, it was in July sometime, along about the last of July.
Q Is she living in the Cherokee Nation now with her husband?
A Yes sir.
Q Who does Dottie Lands live with? A She is staying ~~with~~ here now, with her sister.
Q Where are your four children? A They are on the home place.
Q Do they live with you? A No, they are living with an old gentleman; I give him the rent of the place to keep them until I am situated so I can take them.
Q What is his name? A McLaughlin.
Q What is his postoffice address? A Maple.
Q What is Mrs. Marshall's postoffice address? A Hanson; lives in Hanson.
Q Where have you lived since you were married? A Mostly in Sequoyah District.
Q Did you ever live out of the Cherokee Nation? A No sir.
Q You lived in the Choctaw Nation? A Not since I married this woman.
Q Where were you in 1896 when the roll was made? A I expect I was in Muskogee.
Q Did they have you over there against your will? A Yes sir.
Q Did the mother of these children ever live out of the Cherokee Nation? A No sir.
Q She lived here all of her life, did she? A Yes sir.
Q And was living here when she diex? A Yes sir.
Q Why wasn't she enrolled in 1896? A Why, she was sick and could not get ~~xxxx~~ there.
Q Is that why these two oldest children of yours were not enrolled? A Yes sir.

Q None of your children were enrolled in the Cherokee Nation then, were they?
A The oldest one, Tommie. I enrolled them all here before the Dawes Commission in 1900.
Q Tommie, that is George W. T., is it not?
A Yes sir.
Q How did he happen to get on the '96 roll and the others didn't?
A He didn't get on the '96 roll, he was on the '94 roll; when the '96 roll was taken my wife she was sick, was not able to get there.
Q None of your family got on the '96 roll? A No sir.
Q In the affidavit filed with this Commission as to the birth of your youngest child, his name appears as Troy Avant; is his correct name Troy or Troy M.?
A Troy Melvin.

++++++++++++++++++++++++

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 27th day of July, 1903.

Samuel Freeman,
Notary Public.

MFM

N 135

IN RE

Application for Enrollment of

INFANT CHILD

Artie May Avant

as a citizen of the

Cherokee Nation.

Approved July 27, 1903

C. R. Breckinridge

Commissioner.

FILED
JUL 2 1903

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation, of Alice May Grant born on the 16 day of March, 1896

Name of Father Thomas Grant, a citizen of the Cherokee Nation.

Name of Mother Alice Grant, a citizen of the Cherokee Nation.

Post-Office Lear I.T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,)
Northern District)

I, Thomas J. Grant, on oath state that I am 31 years of age and a citizen, by Cherokee of the Cherokee Nation; that I am the lawful wife of , who is a citizen, by , of the Nation, that a child was born to me on the day of 190 , that said child has been named , and is now living.

WITNESSES TO MARK

( )

Subscribed and sworn to before me this day of 1901

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,)
Northern District)

I, Thomas J. Grant, on oath state that I was the midwife who was present at the confinement of Mrs. Alice Grant, on the 16 day of March, 1896; that there was born to her on said date a female child, that said child is now living and is now known and named Alice May Grant. The attending midwife on that occasion is now dead.

WITNESSES TO MARK

( )

Subscribed and sworn to before me this 26 day of July 1902

Notary Public

United States of America

Northern District Indian Territory

Department of the Interior

Commission to the five Civilized Tribes

I Thomas Blair being duly sworn upon oath states that he is personally well acquainted with Troy Avant who he desires to have enrolled as a Cherokee by blood That he was well acquainted with said Troy Avants mother Her maiden name was Allis Hensen, she was a second cousin by blood Her father and I was fist cousins and a Cherokee by blood I also knu her mother who was also a Cherokee by adoption I know of her marriage to Avant was not present at their marriage but knu they were always reputed to be husband and wife and were so regarded by all who knew them. Said Allice Avant and James Avant had as the fruts of said marriage four children and Troy Avant being the youngest of said children. That said Troys mother is dead and his father the said James Avant has abandoned said child and that Spencer Hensen the uncle of said Troy has turned said child over to my wife Margret Blair to take care and raise said child and that the affiant will make application to the U. S. Cout to be appointed his guardian

Thomas Blair

Subscribed and sworn too before me the 8th day of August A D 1900

J H Huckleberry Sr
Notary Public

(seal)

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 17, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Cherokee D 733

Commissioner

J20

United States of America

Northern District Indian Territory

In Department of Interior

Commission to the five civilized Tribes

I Spencer Hensen being fist duly sworn upon oath states that my post office is Aikins Indian Territory My age is 26th years and I am a citizen by blood of the Cherokee Nation. That my fathers name was Thomas Hensen a cherokee by blood and that my mother name was Mary Hensen an adopted citizen of the Cherokee Nation.

That they had born to them one Alice Hensen who married one James Avant that as a fruit of said marriage there was born to them four children To wit
Tomy Avant age 8 years old
Tilda Avant age 6 years old
Artie Avant age 4 year old &
Troy Avant Two year old past
That the mother of said children are dead and their father has abandoned them. That he saw all of said children when small and knu them to be Alice Avants children and that they are Cherokees by blood

his
Spencer X Hensen
mark

Attest
S. T. Huckleberry

Sworn to and subscribed before me this 9th day of August 1900

[SEAL]

J M Huckleberry Sr
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 17, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee D [illegible]

[signature]
Commissioner.

Cherokee D #135

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ettea F. Marshall, formerly McCoy, Dottie Lands, Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on August 16, 1900, Terrell Henson appeared before the Commission at Muldrow, Indian Territory, and made personal application for the enrollment of Ettea F. McCoy, Dottie Lands, Mary M. Avant and Artie M. Avant, as citizens by blood of the Cherokee Nation. On December 5, 1900, James T. Avant appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of all the children for whom the said Terrell Henson had made application and in addition thereto made application for the enrollment of George W. T. Avant and Troy M. Avant, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muldrow, Indian Territory, on August 17, 1900, and at Tahlequah, Indian Territory, on July 27, 1903.

The evidence shows that all of the applicants herein are the minor children of Alice Avant, deceased, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as a native Cherokee.

The evidence further shows that the applicant, Ettea F. McCoy, was married in July, 1902, to one Marshall. The said Ettea F. Marshall, Dottie Lands and George W. T. Avant are all duly identified on the 1894 Strip payment roll of the Cherokee Nation as native Cherokees. All the other applicants herein are duly identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that all of said applicants herein were born and have always resided in the Cherokee Nation.

Cherokee D #135

It is, therefore, the opinion of this Commission that the said Ettea F. Marshall, formerly McCoy, Dottie Lands, Mary M. Avant, Artie M. Avant, George W. T. Avant and Troy M. Avant should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Hurney
Commissioner.

Muskogee, Indian Territory,

this [illegible] 1906

AV

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
May 15, 1907.

-o-

Cherokee Card No. 10340
Roll Number 30730.

In the matter of the enrollment in the Cherokee Nation of Dottie Lands.

Dottie Lands, being first duly sworn by S. T. Wright, a notary public, was examined on behalf of the Commissioner and testified as follows:

Q State your name.
A Dottie Self.
Q Your age.
A 18.
Q Your post-office address.
A Poteau.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes, sir.
Q What is your father's name?
A Lands.
Q What is his full name?
A I dont know.
Q What is your mother's name?
A Alice Lands.
Q Are you related to Etta F. Marshall?
A Half-sister.
Q Are you married?
A Yes, sir.
Q To whom?
A A. I. Self.
Q Is he a Cherokee citizen?
A No, sir.
Q When were you married?
A Nineteenth of October.
Q What year?
A 1906.

The name, Dottie Lands appears as No. 2 on Cherokee Field Card No. 10340.

I, Anna Vansant, being duly sworn state that as stenographer to the Commissioner to the Five Civilized Tribes, I recorded the testimony in the above entitled proceeding and that the above and foregoing is a true and correct transcript of my stenographic notes thereof.

Anna Vansant.

Subscribed and sworn to before me this 15 day of May, 1907.

S T Wright
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BROCKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS REPLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. **February 4th** 1902

Terrell Henson,

Akin, Indain Territory,

Sir:-

You are hereby notified that the application of **Etta McCoy, Dottie Lands, Matilda Avant and Artie Avant**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **18th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

It is required by the Commission that the affidavits of the birth of Matilda Avant and Artie Avant be supplied.

Yours truly,

Cherokee D-128

Register.

Acting Chairman.

In reply refer to
Cherokee 3 [illegible].

Muskogee, Indian Territory, June 16, 1906.

Terrell Benson, Esq.,

Akins, Indian Territory.

Sir:-

In the matter of your application for the enrollment of Nita Bishop, Dottie Lands, Matilda Avant and Artie Avant, as citizens by blood of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, showing your sister, Alice Benson, mother of said children, to have been admitted to citizenship in the Cherokee Nation by the Cherokee Courts or Committee on Citizenship on or about the year 1871, or by the Tribal Council of said Nation, together with the name under which she was admitted.

This testimony must be furnished on or before July 1st, 1906.

Yours truly,

Commissioner in Charge.

Register.

In reply refer to
Cherokee D 188.

Muskogee, Indian Territory, June 18, 1908.

William C. P. Edwards,

Maple Springs, Indian Territory.

Sir:-

In the matter of your application for the enrollment of Etta McCoy, Dottie Lambe, Matilda Avant and Artie Avant, as citizens by blood of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, showing the admission to citizenship in the Cherokee Nation, by the proper authorities thereof, of Alice Hanson, the mother of said children.

This testimony must be furnished on or before July 1st, 1908.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-135.

Muskogee, Indian Territory, October 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application for the enrollment of Ettea F. Marshall, Dottie Lands, Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

T. B. Madden

Enc. D-11

Commissioner in Charge.

Cherokee D-135.

Muskogee, Indian Territory, November 11, 1903.

James T. Avant,

Akin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting your application for the enrollment of Ettea F. Marshall, Dottie Lands, and Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. H-10.

Register.

COPY.

Cherokee D-135.

Muskogee, Indian Territory, November 11, 1903.

Jesse W. Watts,

Attorney for Ettea F. Marshall, et al.,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application of James T. Avant for the enrollment of his step-children, Ettea F. Marshall and Dottie Lands, and for the enrollment of his minor children, Mary M., Artie M., George W. T. and Troy M. Avant, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. H-11.

Register.

Chc 30734

Troy Avant
Pa. Petitioner
Cookson

Both appellant
and respondent

Cher 10341

Ruth B. Lynch

Trans. from D487

Cher 10341

Pet. 4

a -

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 14, 1906.

In the matter of the application of Willis Battles, Jr., for the enrollment of children born of his marriage with his wife [illegible] by blood; being examined by Commissioner Needles, he testified as follows:

Q What is your name? A Willis Battles, Jr.
Q What is your age? A I'm 45.
Q What district do you live in? A Delaware district.
Q What is your post office? A Vinita.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A By marriage.
Q How do you make it? A Myself and wife.
Q What is your wife's name? A Mary Jane Battles, she is here.
Q What is the name of your children; are they here? A Yes, sir.
Q What are their names? A Baby; they are now citizens.
Q What is the name of your wife? A Emily Jane.
Q What was her maiden name before you married her? A Clark.
Q When did you marry? A On the first of June 1, 1884.
Q She is a citizen by blood? A Yes, sir, 1/4 Cherokee.
Q What is her age? A 54.
(The applicant presents a marriage license and a marriage certificate in the form, certifying that he was married on the 1st of April, 1884, to one Mary J. Clark, a Cherokee citizen by blood.)
Q Have you been living with your wife continuously since you married her? A Yes, sir.
Q Living with her now? A Yes, sir.
Q How long have you been living in the Cherokee Nation? A I came here in the fall of 1883.
Q Been living here ever since? A Yes, sir; I don't think her name was on the roll of 1880, she was dead at that time.
Q What is the name of her father? A John Clark.
Q Is he living? A No, I think he is dead.
Q What is the name of her mother? A Nancy Ann Clark.
Q Is she living? A No, sir, she is dead.
Q Are they upon the roll of 1880? A I don't know, sir.
Q When did her mother die? A She had been dead 11 years; her first name is Elizabeth, and I don't know what, she was married twice.
Q What was her name twenty years ago? A I reckon it must have been Smith; I came here in the fall of 1883 and it was Smith.
Q Your own wife was married twice? A Yes, sir.
Q How old is she? A 54.
Q Was she ever married to one [illegible]? A I think she was, she wasn't lawfully married to him, I don't think; he is in the asylum here.
(On 1896 roll, page 444, No. 437, Emily Jane Battles, Delaware district. Willis Battles, Jr., on 1896 roll, page 56, No. 69, Willis Battles, Jr., Delaware district.)
Mr. W.T. Hastings, representative of the Cherokee Nation: Where was your wife in 1880? A She was with me on a little place of our own on Russell Creek.
Q With whom was she living at that time? A Blackwell, I think; they were not lawfully married.
Q How long did she live with Mr. Blackwell? A I don't know.
Q About how long? A I have no idea.
Q What degree of blood does she claim? A 1/4.

Emily Battles, sworn and examined by Commissioner Needles,

[illegible]

[illegible]:

[illegible] A [illegible]

[illegible] ? [illegible]

[illegible] A Y[illegible]

[illegible] A I don't [illegible] it in.

[illegible] ever [illegible] I [illegible] live in this country.

[illegible] in this country? A I was born [illegible] first.

[illegible] ? A [illegible].

[illegible] ? A [illegible] blood.

[illegible] ? I don't [illegible], I was living right [illegible], I have [illegible] that question.

[illegible] have.

[illegible] John Clark.

[illegible]

Mr. [illegible]: In [illegible] blood? A In Delaware County.

Q [illegible] A Yes, sir.

Q [illegible] ? A [illegible] of Quith, [illegible] Quith.

Q [illegible] Quith? [illegible], I [illegible] education.

Q [illegible] live in the State of [illegible]? A [illegible] I going to live in the State of [illegible]?

Q [illegible] live there? [illegible] No, sir.

Q [illegible] live [illegible]? A I lived as [illegible] Russell County.

[illegible] ? A Yes, sir, [illegible] in the [illegible] Nation.

Q [illegible] Nation?

A No, sir.

Q [illegible] your [illegible] of [illegible] is [illegible] in Kin[illegible].

Q [illegible] ? A Yes, sir.

Q Your [illegible] ? A Yes, sir.

Q [illegible] ? A I [illegible] my [illegible] girl.

Q You [illegible] ? A Yes, [illegible] I [illegible] with him; he [illegible] my [illegible].

Q [illegible] A Yes, sir, [illegible].

[illegible]

Q [illegible] John [illegible].

[illegible] years.

Q [illegible] ? A Yes, sir.

[illegible] A [illegible], sir.

[illegible] ? A Yes, sir.

[illegible]).

Q [illegible] ? A Yes, sir.

Q What was the [illegible] of [illegible] ? A Well, it was simply this reason, [illegible] our land and he wouldn't do it, and I [illegible] the reason why he wouldn't do it, [illegible] pulled out, [illegible] he was ill to [illegible], [illegible] was a very poor provider, and I got up and [illegible] Creek to the neighborhood where my people was.

Commissioner Meetles: The name of Willis Battles, Jr., ap-

pears upon the census roll of 1896 as well as the name of his wife, Emily. He presents a marriage license and certificate certifying that he was married to one Emily J. Clark, a citizen by blood, in the year 1884. The name of said Emily J. Clark does not appear upon the authenticated roll of 1880, neither does the name of her father or mother appear thereon. No satisfactory proof has been made as to her citizenship, and no divorce has been proven as to divorcement of his wife Emily J. Clark from her husband, one Blackwell, to whom she avers she wasn't married, but lived with for four years, as man and wife. Consequently, final judgment as to the enrollment of the said Willis Battles, Jr., as an intermarried citizen, and of his wife, Emily J., as a citizen by blood, will be suspended, and their names will be placed upon a doubtful card. When final judgment is rendered as to the citizenship of the applicants, they will be notified by mail.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1, 1900.

In the matter of the application of Ruth B. Lynch for the enrollment of herself and seven children as citizens of the Cherokee Nation, said Lynch being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Ruth B. Lynch.
Q How old are you? A 45.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delawares.
Q Who is it now you want to have put on the roll? A Myself and seven children.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What was your father's name? A Johnson Downing.
Q Dead or alive? A Alive.
Q What is your mother's name? A Mary Smith.
Q Dead or alive? A Dead.
Q How long since she died? A 11 years.
Q When were you married? A '78.
Q Been married more than once? A Yes, twice.
Q Married to Lynch in '78? A No sir, my first husband was a Buffington.
Q When were you married to Lynch? A '84.
Q What is his full name? A Anderson Lynch.
Q Married him in '84? A Yes.
Q Is he living now? A Yes.
Q White man or Cherokee? A He is a freedman.
Q You make no application for him? A No sir.
Q You were married before that? A Yes.
Q Been married only twice? A That's all.
Q Who did you marry the first time? A Alex Buffington.
Q When did you marry him? A '78.
Q He is dead? A Yes.
Q When did he die? A '83.
Q Cherokee or white man? A Freedman.
Q What are the names of your children? A Lucian Buffington, 19 years old.

On '94 roll, page 422, number 1706, as Lynch.

Q Next? A Alex, 17 years old.

On '94 roll, page 422, number 1707, as Lynch.

Q Next? A John Lynch, 14 years old.

On '94 roll, page 422, number 1708.

Q Next? A Synthia, 12 years old.

On '94 roll, page 422, number 1709, as Syntha.

Q Next? A Glenn, 9 years old.

On '94 roll, page 422, number 1710.

Q Next? A Rose M., 6 years old.

On '94 roll, page 422, number 1711.

Q Next? A Willis, 5 years old.

Applicant on '94 roll, page 422, number 1705, as Ruth Lynch.

The applicant applies for the enrollment of herself and seven children. She claims to be a native of the Cherokee Nation and to have lived in the Cherokee nation all her life. She claims as a Cherokee by blood. She is not identified on the rolls of '80 or '86. She is doubtfully identified on the roll of '94 under the name of her present husband, and her first two children are identified on the roll of '94 under the name of her present husband. Her four [illegible] are identified on the '94 roll under applicant's present name of her present husband. These children are said [illegible] 1897. She and all of the identified children will be listed [illegible] doubtful roll [illegible] the Commission [illegible]

supplied with proper certificate of the birth of the youngest child, Willie, who is too young to be upon the roll of '94, this child will also be listed for enrollment upon a doubtful card. None of these children are identified on the roll of '96.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B McCalmont

Subscribed and sworn to before me this 2nd day of October, 1900.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 1 1900

ACTING CHAIRMAN.

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

OCT 1 1900

Date 1900.

Name Smith, E. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ruth E. Lynch,

District DELAWARE Year 94 Page 422 No. 1705

Citizen by blood Yes Mother's citizenship Johnson Downing

Intermarried citizen No Mary Smith

Married under what law Date of marriage 78 (1842)

License Certificate

Names of Children:

2 Lucian Buffington	Dist. DELAWARE	Year 94	Page 422	No. 1706	Age 19
3 Alex "	Dist. "	Year "	Page 422	No. 1707	Age 17
4 John Lynch	Dist.	Year "	Page 422	No. 1708	Age 14
5 Cynthia "	Dist.	Year "	Page 422	No. 1709	Age 12
6 Claude "	Dist.	Year "	Page 422	No. 1710	Age 9
7 Rosa M "	Dist. "	Year "	Page 422	No. 1711	Age 8
8 Willis "	Dist.	Year	Page	No.	Age 5
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 On 1894 Roll as ~~Ruth Lynch~~
2 " " " " Lucian "
3 " " " " Alex "
5 " " " " Cynthia "
7 " " " " Rose "
~~8 Affidavit in support~~

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S U P P L E M E N T A L T E S T I M O N Y .

D. #404.
D. #487.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIS BATTLES, D.#404, and RUTH LYNCH, D.#487, as citizens of the Cherokee Nation;

RUTH LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Ruth Lynch.
Q How old are you? A 46.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know one Emily J. Battles? A Yes, sir.
Q Is she a wife of Willis Battles, Jr.? A Yes, sir.
Q What relationship are you to this Emily Battles? A Half sister.

EXAMINATION BY W. P. THOMPSON, of Vinita, I. T., Attorney for Applicants:

Q You say you are a half sister of Emily J. Battles? A Yes, sir.
Q Do you know where Emily J. Battles was in the year of 1880, at the time the census was taken in 1880? A She lived in the bend of Russell Creek.
Q In what district? A Delaware district, I think.
Q What Nation? A Cherokee.
Q Delaware district, Cherokee Nation? A Yes, sir.
Did you see her during the time the census was being taken by the census takers? A Yes, sir.
Q Where? A There at her place where she lived.
Q State the circumstance; did you go to her home? A Yes, sir
Q State the circumstance? A She was sick; she lived right down in the bottom where the creek and river come together and she took the chills and I had my husband to hitch up the wagon and we went up there and got her and she staid with us until she married Battles.
Q How long did she live at your house? A About four years.
Q I will ask you if the census takers had been around to your house before you went up there and got her? A Yes, sir.
Q You say you are a half sister of Mrs. Battles'? A Yes, sir.
Q By the same mother or same father? A Same mother.
Q The same mother as Emily Battles? A Yes, sir.
Q Are you on the roll of 1880? A I don't think I am; I have got that to prove.
Q Have you ever been before the Commission? A Yes, sir.
Q You do not know whether you are on the roll of 1880 or not?
A No, sir, I don't.
Q You don't know what action was taken in your case? A No, sir; I just went before the Commission and they never asked me anything.
Q By Com'r Breckinridge: Where did you apply? A Vinita.
Q By Mr. Thompson: Was the census taker at your house in 1880?
A We might have been; in that year my name was Buffington.
Q What is your given name? A Ruth.
Q Then your name was Ruth Buffington in 1880? A Yes, sir.

BY COM'R BRECKINRIDGE:

Q You say the census taker was at your house? A Yes, sir.
Q And you give your name in did you? A Yes, sir.

By MR. Thompson:

Q What was your mother's maiden name? A Her maiden name was Mary Ann Wave, at the time it was Mary Ann Smith; she was married twice, this girl's father was Clark, Emily J. Clark was her maiden name.

BY COM'R BRECKINRIDGE:

Q What district were you living in in 1880? A Delaware.

BY MR. THOMPSON:

Q During the time of the taking of the census you went up to get Emily J. Rattles, whose name at that time was Emily J. Clark? A Emily J. Clard.
Q Was she ever married before she married Rattles? A No, sir.

BY COM'R BRECKINRIDGE:
Q Your sister, Emily, did she live with a man named Blackwell?
A Yes, sir, but they were never married.
Q How long did she live with him? A About a year.
Q Was there any children from that marriage that you know of?
A No, sir.
Q How near was she living to you at the time she was living with t his man, Blackwell? A About 28 miles as near as I can guess at it.
Q Your father died in California didn't he? A No, sir, my father is not dead.
Q Your half sister's father died in California? A Yes, si r.
Q Emily's father? A Yes, sir.
Q Was he a Cherokee or white man? A He was a white man.
Q You and your si ter had the same mother? A Yes, sir.
Q And you claim that mother was a Cherokee? A My mother is a Cherokee.

BY W. W. HASTINGS, Cherokee Representative:

Q Did your sister, Emily, ever go to California? A No, sir.
Q Is your sister present here now? A Yes, sir.
Q What is your present name? A Lynch.
Q What is your husband's name? A Anderson Lynch.
Q Colored man? A Yes, sir; we have been parted five years. I life in Vinita, having been living there five years.
Q What was your name in 1880? A Buffington.
Q Who was your husband then? A Alex.
Q Was he a colored man? A Yes, sir, he was part.
Q You did not tell that at Vinita, that your name had been Buffington? A Yes, sir.

BY MR. THOMPSON:

Q Which one were you married to in 1880, Lynch or Buffington?
A Buffington, I married him when I was 16 years old

Tribal rolls of citizens of the Cherokee Nation examined and witness' and her former husband's names found thereon as follows:
1880 Freedmen Roll; page 231, #381, Ruth Buffington, Delaware district, adopted Colored.
1880 Freedmen Roll; page 231, #380, Alex Buffington, Delaware district. (With this Note:) "Alex Buffington same as Gus Buffington"

BY COM'R BRECKINRIDGE:

Q This man Blackwell that your sister lived with, what was he, white man? A No, sir, he was a Mexican.

BY MR. HASTINGS:

Q Has your sister lived in the Cherokee Nation ever since 1880?
A Yes, sir, and before.
Q Why are you so positive that she was here when the rollswere taken? A She was bound to be because she had a home here.
Q You remember when the rolls of 1880 were taken then? A Yes, sir, I knew the rolls was taken in 1880.
Q Do you know who took the rolls? A No, sir.
Q You lived right by the man? A Yes, but I can't remember.
Q Is Joe Thompson a neighbor of yours? A Yes, sir.
Q You don't remember whether he took them or not? A No, sir, I don't know.
Q What was your mother's maiden name? A Nave. Mary Ann Nave.
Q Was she a Cherokee or colored person? A She was a Cherokee; she was a, John Ross and her mother were brothers and sister.

BY MR. THOMPSON:
Q Did she have any other sister? A Had one.
Q Who was she? A Nancy Riley.
Q What is her name now? A Nancy Riley.
Q You say she was a sister of your mother? A Yes, sir.
Q Do you know whether she was a full sister? A She was a twin.
Q Where does Nancy Riley live? A Tahlequah.

MR. THOMPSON:--I desire to site Sections 688 and 689, page 345, of the compiled laws of the Cherokee Nation for the year 1892.

EMILY J. BATTLES, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name please? A My name is Emily J. Battles.
Q You applied to the Commission for enrollment at Vinita on the 24th of September, did you? A Yes, sir.

BY MR. THOMPSON:

Q This man Blackwell that you lived with; was there any marriage ceremony ever performed between you and Blackwell by any Judge or Clerk of the Cherokee Nation or any ordained Minister? A No, sir, they never was.
Q Was any marriage contract in writing between you two parties signed up by you two in the presents of witnesses? A There never was on top of earth.

Supl.-D.#404.
487--4.

Q Did you two ever, in the presents of a Judge, Clerk or Minister officiating or attending witnesses acknowledge each other as husband and wife? A No, sir.

BY COM'R BRECKINRIDGE:

Q You don't remember how long you lived with this man Blackwell?
A I would tell you my friend I could not recollect rightly.
Q You testified in your former evidence that you held each other out to the world as husband and wife; you lived with this man as his wife? A In one sense we was but the people didnot treat us as that and they could not look at it that way.
Q You went by his name? A I guess some people called me by his name.

BY MR. W. W. HASTINGS:

Q You and him agreed to live together as man and wife before you went to doing it? A We might agreed to but never had it in writig
Q You never had any writing or anything to that effect, but you agreed to do it and held each other out to the community as man and wife? A The community did not know anything about it.
Q There was not much community there was there? A No, sir.

~~Com'r Breckinridge:--Copies of this testimony will be filed~~ with Case D. #404, and also with the case of Ruth Lynch, D.#487, and notes will be made on the cards calling attention to this testimony.

---oooOOOooo ---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commi ssion to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the fore oing is a true and compl-te transcript of his stenographi c notes thereof.

J O Rosson

Subscribed and sworn to before me this 15th day of February, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 23 1901
ACTING CHAIRMAN

To be filed with case of Ruth E. Lynch, C.-D.#487.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1901.

In the matter of the application of Anderson Lynch for enrollment as a Cherokee freedman ; said Ly ch beingsworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Anderson Lynch.
Q You ap ly for yourself and five children? A Yes, sir.
Q Have you got a wife? A Yes, sir.
Q Do you want to apply for her? A She applied for herself.
Q Is she living with you? A I am staying on the farm on the river and she is staying in town.
Q You had better apply for her? A Well, sir.
Q How old are you? A About 64 years old.
Q What is your post office? A Here at Vinita.
Q In what distr ict do you live? A In Delaware.
Q How lon g have you lived in the Cherokee Nation?
A I was born and rai sed here.
Q Lived here all your life? A Yes, sir
Q Were y ou a slave in the Cherokee Nation before the war?
A Yes, sir.
Q And you were set free by the war? A Yes, sir.
Q To whom did you belong? A J oe Lynch.
Was he a recognized Cherokee citizen? A Yes, sir, never has been disputed.
Q Well, where were you during the war? A I was up in Kansas.
Q Are you on the roll of 1880? A Yes, sir; ought to be, I guess it is there yet.
Q You came back when from Kansas after the war? A In '68.
Q Give me the name of your wife? A Ruth Lynch.
Q Is she a Cherokee, a freedman? A She is Cherokee.
Q You thinj perhaps she is enrolled? A Yes, sir; I think she must be.
Q Well, give me the names of your children, these five children you are talking about? A Johnnie.
Q How old is John? A He is about 13 years old.
Q Now, the next child? A Cynthia.
Q How old is that child? A She is 18 years old.
Q The next child? A Claude.
Q How old i s Claude? A I don't know exactly his age; I got it down in the bible.
Q Is he a little younger than Cynthia? A Yes, sir.
Q About ten years old? A Yes, sir.
Q The next one to Claude? A Nickname is Cute.
Q What is his name? A They always called him Cute and he has got another name.
Q How old is Cute? A About seven.
Q Now, the next child? A He is about fi ve.
Q His name? A His name is Willis.
Q He is about five si ks? A Yes, sir.

The 1880 Authenticated Roll of freedmen of the Cherokee Nation examined and applicant's name found thereon, page 200, #1880, Anderson Ly nch, Delaware District.

The 1896 Census Roll of freedmen of the Cherokee Nati on examined and applicant's found thereon, page 442, #42, Anderson Lynch, Delaware District.

Q How old is your wife, Ru th? A She must be near about 40 years old I guess.
Q Give me the name of her father? A He was a Bowling.
Q What is as far as you can remember? A Yes, sir.
Q Her husband? A I think he called his name [illegible]
Q [illegible] the name of [illegible] A [illegible]

Q Is she dead? A Yes, sir.
Q How many times has your wife been married before she married you? A Only once.
Q To whom was she married then? A Alex Buffington.
Q Was he dead when she married you? A Yes, sir
Q When did you and your wife marry? A I disremember when it was.
Q Well, as near as you can come? A It must have been about 15 years.
Q And she was a Buffington at that time? A Yes, sir
Q Is your child, Joh , the oldest child by this wife?
A Yes, sir, that is the oldst one.
Q Who is Willis Battles? A My wife's brother-in-law.
Q Did you know when your wife's father died? A No, sir; I didn't know he was dead.
Q I thought you told me he was dead? A No, sir, I ain't heard of him, I guess Mr. Bell knows him.
Q Is he understood to have been a Cherokee or white man?
A Cherokee.
Q Your wife's mother is she a Cherokee? A Yes, sir, Cherokee.
Q You say she is dead? A Yes, sir.
Q How long has she been dead? A I could not tell just exactly, must be over 15 years I guess.
Q Was she a Downing at the time she died, or a Clark?
A No, Downing I believe last.
Q She was a Downing then in 1880? A Must have been.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's wife found thereon, page 231, #381, Ruth Buffington, Delaware District.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's wife and children identified thereon as follows:

Page 632, #53, Ruth Lynch, Delaware District.
Page 632, #56, Jennie Lynch, Delaware District.
Page 632, #57, Cynthia Lynch, Delaware District.
Page 632, #58, Claud Lynch, Delaware District.
Page 632, #59, Cute Lynch, Delaware District.
Page 632, #60, William Lynch, Delaware District.

Q Now, these children, are they all living now?
A Yes, sir, they are all living.
Q Who in there here knows that you and your wife are living together as husband and wife; have you got any neighbors here?
A I guess there is all of them.
Q Give me the name of one of that knows? A Allen Lynch knows.

ALLEN LYNCH, being sworn and examined by Commissioner C. N. Breckinridge, testified as follows:

Q Give your name, please? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation?
A Well I have been here all the time.
Q Do you know this applicant here, Anderson Lynch? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Well she was.
Q What is her given name now? A Ruth Lynch.
Q She has been married before she married this man, hasn't she?
A Yes, sir.
Q Give me the name of her former husband? A Alex Buffington.
Q Did you know her father? A Yes, sir.
Q What was his name? A Johnson Downing.
Q And her mother? A Mary Clark.

Q An d this Ruth Buffington, formerly the wife of Alex Buffington, is the same woman as this man's wife now? A Yes, sir.
Do you know the children of this man and his wife, Ruth?
A Yes, sir.
Q What is the real name of that child they call Cute?
(No response.)
Q Is it Rose? A Mary I.
Q I fin d in the former application for this child by the mother t hat the one just after Claude she called Rose M.; what does that "M" stand for? A No, sir; I don't know.

ALDERSON LY NCH, the Applicant, re-called, further testitifed.

Q Now, Anderson Lynch, what does the "M" stand for?
A I don't know.
Q Is it Mary? A It maybe.
Q Do you know anything about the child being called Rose?
A Well, her first given name was Rosa May and then she was always so cute they just commenced calling her cute, that was her nickname.

COM'R BRECKINRIDGE: The applicant began his application for applying for himself, his wife and five children. It is found that his wife had previously applied for herself as shown in Cherokee case D.#487, and in that case she also applied for the five children just spoken of; therefore t his applicant is discontinued as regard all except the applicant himself. The applicant is identified on the roll of 1880 and 1896 as a Cherokee Freedman. He states that he has lived in the Cherokee Nation all his life and he will now be listed for enrollment as a Cherokee Freedman.

A copy of this t estimony will be fi led in case Cherokee D.#487, the same b eing the case of the applicant's wife, Ru th . Lynch, and her childre . She and the five children mentioned in the testimony are du ly identified on the rolls; she b eing identifie on the roll of 1880 and on that of 1896, and these five children being identified on the roll of 1896. The applicant's wife and t hese five children are identified as Cherokee Freedmen, she bein so classed on both rolls referred to. These children are all said to be living now. A n ot e will be made on card #D.487, calling attention to this testimony. It is claimed that the applicant's wife is a Cherokee by blood, and as indicated, her enrollment have been as a Cherokee Freedman.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenogr apher to the Commission to the Five Civi lized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 20th day of July, 1901.

Commissioner.

X 10487.

COMMIS... THE INTERIOR
FIVE CIVILIZED TRIBES.
FEB ... 1902
FILED

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. 2/19/02.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Ruth B Lynch et al for enrollment as ~~freedmen~~ citizens of the Cherokee Nation.

W. P. Thompson

No. 6D 489

Supl.-C.D.#487.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of RUTH B. LYNCH, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that hercase would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day appears by her Attorney W. D. Humphrey. It appears from the records of the Commission that W. P. Thompson, Vinita Indian Territory, was formerly employed in this case. He this day appears and advises the Commission that he has given up this case and desires his name stricken from the records as attorney for the applicant.

Mr. W. W. Hastings, Cherokee Representative, present.

Mr. Humphrey: The applicant at this time submits the case for final decision.

Commission: The attorneyfor the applicant and the representative of the Cherokee Nation present sumit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case on this day, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this February 28, 1902.

Commissioner.

Before the Commission to the Five Civilized Tribes.

In the matter of the application of Willis Battles and Emily Jane Battles, his wife, as citizens of the Cherokee Nation. } Brief of Applicant.

Statement of Facts.

:-:-:-

that he is entitled to enrollment as he complied with the Cherokee Law regulating intermarriage with Cherokees and obtained his license as shown in this record. She was never legally the wife of Selekwell and hence no divorce from him was necessary for the reason none of the formalities required by Cherokee Law were complied with by Blackwell and Emily Jane Battles, and hence the marriage relation did not exist between Emily Jane and Blackwell. In support of which I refer you to Sections 688 and 689 of Compiled Laws of the Cherokee Nation of 1892.

The Cherokee Nation had at that time and still has, very clear, distinct and formal requirements as to marriages, as will be seen from the reading of the laws above quoted. None of which formalities were ever followed by these parties. Hence I submit that there being no lawful marriage there were no bonds to annul by a divorce court. A divorce Court requires parties to allege and prove a lawful marriage as a condition precedent to a decree of Divorce. Then under his licenses and certificate Willis Battles, Jr., was entitled to enrollment on the rolls of 1896 and under section 21 Act of Congress of June 28th, 1898 he is entitled to enrollment now.

Respectfully submitted,

W. O. Thompson

Atty. for Applicant.

Alex Harrington, as citizens by blood of the Cherokee Nation
Cherokee doubtful Card Field No. 487.

Status of the Commission.

It is found upon examination of the 1896 census roll of citizens of the Cherokee Nation that the names of applicant's children, Lucian and Alex Harrington, are duly identified thereon as follows: Page 632, #84, Delaware District, as Lucian Lynch.
Page 632, #85, Delaware District, as Alick Ly

Commissioner.

G. W. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 2, 1898.

Supplemental testimony in the matter of the application of Ruth E. Lynch for the enrollment of herself and minor children, Tom, Agnella, Glenda, Rose L. and Willis Lynch, and Louise and Alan Barrington, as citizens by blood of the Cherokee Nation, Cherokee Judicial Card Field No. [illegible].

Statement by the Commission.

It is found upon examination of the 1896 census roll of citizens of the Cherokee Nation that the names of applicants' children, Louise and Alan Barrington, are duly identified thereon as follows: Page [illegible], No. [illegible], Delaware District, as Louise Lynch.
Page [illegible], No. [illegible], Delaware District, as Alan Lynch.

[illegible]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jee

In the matter of the application for the enrollment of Emily J. Battles et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Emily J. Battles----------Cherokee D 404
Ruth B. Lynch et al.----------Cherokee D 487

D E C I S I O N

The record herein shows that applications for enrollment, as citizens by blood of the Cherokee Nation, were made to this Commission by Willis Battles, Jr., for his wife, Emily J. Battles; said application also included the said Willis Battles, Jr., who claims right to enrollment as a citizen of the Cherokee Nation by intermarriage but, the status of such persons not being fixed at this time, the said Willis Battles, Jr., is not embraced in this decision; by Ruth B. Lynch for herself and minor children, John, Cynthia, Glenda, Rosa M. and Willis Lynch and Lucian and Alex Buffington. A copy of the testimony taken at Vinita, Indian Territory, on May 10, 1901, in the matter of the application of Anderson Lynch, for enrollment as a Cherokee Freedman, is filed with and made a part of the record herein.

The evidence shows that the said Emily J. Battles and Ruth B. Lynch are the children of one Mary Smith or Clark, who was a citizen by blood of the Cherokee Nation. The said Emily J. Battles is identified on the 1880 Cherokee pay roll (nationality not given) and on the 1894 Strip payment and the 1896 census roll of the Cherokee Nation as a native Cherokee. The said Ruth B. Lynch is identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as "adopted colored" and on the 1894 Strip payment roll of said nation as a native Cherokee. All the other applicants herein are the minor children of the said Ruth B. Lynch and, with the exception of said Willis Lynch, are identified on the 1894 Strip payment roll of the Cherokee Nation; and the applicants, John, Cynthia, Glenda, Rosa M. and Willis Lynch, are identified on the 1896 census roll of said nation.

The evidence further shows that all of the applicants herein have continuously resided in the Cherokee Nation since 1880, or from birth where born subsequent to that time.

It is, therefore, the opinion of this Commission that Emily F. Battles, Ruth E. Lynch, John Lynch, Cynthia Lynch, Claude Lynch, Rosa M. Lynch, Willis Lynch, Lucian Buffington and Alex Buffington should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this OCT 22 1903

BCJ

Cherokee D-487

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., November 21, 1903.

In the matter of the application of RUTH B. LYNCH for the enrollment of herself and her children, JOHN, CYNTHIA, CLAUDE, ROAS M., and WILLIS LYNCH and LUCIAN and ALEX BUFFINGTON, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

Upon a further examination of the 1896 census roll of citizens of the Cherokee Nation, the applicants in this case are identified thereon as follows:

Ruth B.Lynch,	page 632,	#63,	Delaware	Dist.,	as Ruth Lynch, adopted freedman;
John Lynch,	"	"	#56,	"	"	as Johnie Lynch, adopted freedman;
Cynthia Lynch,	"	"	#57,	"	"	" "
Claude Lynch,	"	"	#58,	"	"	as Claud Lynch, adopted freedman;
Rosa M.Lynch,	"	"	#59,	"	"	as Cute Lynch, adopted freedman;
Willis Lynch,	"	"	#60,	"	"	" "
Lucian Buffington,	"	"	#54,	"	"	as Lucian Lynch, adopted freedman;
Alex Buffington,	"	"	#55,	"	"	as Alick Lynch, adopted freedman.

It is ordered that this statement be filed with and made a part of the record in the foregoing application for enrollment.

C. R. Breckinridge

Commissioner.

BCJ

Cher. D-487

Cher. D-404.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1, 1900.

In the matter of the application of Ruth B. Lynch for the enrollment of herself and seven children as citizens of the Cherokee Nation, said Lynch being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Ruth B. Lynch.
Q How old are you? A 45.
Q What is your postoffice? A Vinita.
Q In what District do you live? A Delaware.
Q Who is it you want to have put on the roll?
A Myself and seven children.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What was your father's name? A Johnson Downing.
Q Dead or alive? A Alive.
Q What is your mother's name? A Mary Smith.
Q Dead or alive? A Dead.
Q How long since she died? A 11 years.
Q When were you married? A '78.
Q Been married more than once? A Yes, twice.
Q Married to Lynch in '78? A No sir, my first husband was a Buffington.
Q When were you married to Lynch? A '84.
Q What is his full name? A Anderson Lynch.
Q Married to him in '84? A Yes.
Q Is he living now? A Yes.
Q White man or Cherokee? A He is a freedman.
Q You make no application for him? A No sir.
Q You were married before that? A Yes.
Q Been married only twice? A That's all.
Q Who did you marry the first time? A Alex Buffington.
Q When did you marry him? A '78.
Q He is dead? A Yes.
Q When did he die? A '83.
Q Cherokee or white man? A Freedman.
Q What are the names of your children?
A Lucian Buffington, 19 years old.
On '94 roll, page 422, number 1706, as Lynch.
Q Next? A Alex, 17 years old.
On '94 roll, page 422, number 1707, as Lynch.
Q Next? A John Lynch, 14 years old.
On '94 roll, page 422, number 1708.
Q Next? A Cynthia, 12 years old.
On '94 roll, page 422, number 1709, as Syntha.
Q Next? A Claude, 9 years old.
On '94 roll, page 422, number 1710.
Q Next? A Rose M., 8 years old.
On '94 roll, page 422, number 1711.
Q Next? A Willie, 5 years old.

Applicant on '94 roll, page 422, number 1706, as Ruth Lynch. The applicant applies for herself and seven children. She claims to be a native of the Cherokee Nation and to have lived in the Cherokee Nation all her life. She claims as a Cherokee by blood. She is not identified on the rolls of '80

or '96. She is doubtfully identified on the roll of '94 under the name of her present husband, and her first two children are identified on the roll of '94 under the name of her present husband. Her four succeeding children are identified on the '94 roll under applicant's present name, the name of her present husband. These children are said to be living now. She and all of the foregoing children will be listed now for enrollment upon a doubtful card, and when the Commission is supplied with proper certificate of the birth of the youngest child, Willis, who is too young to be upon the roll of '94, this child will also be listed for enrollment upon a doubtful card. None of these children are identified on the roll of '96.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) B. McDonald.

Subscribed and sworn to before me this 2nd day of October, 1900.

(signed) T. B. Needles,
Commissioner.

****

S U P P L E M E N T A L T E S T I M O N Y.

D. #404,
D. #487.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IT., FEBRUARY 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIS BATTLES, D. #404, and RUTH LYNCH, D. #487, as citizens of the Cherokee Nation;

RUTH LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Ruth Lynch.
Q How old are you? A 45.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know one Emily J. Battles? A Yes sir.
Q Is she a wife of Willis Battles Jr.? A Yes sir.
Q What relationship are you to this Emily Battles?
A Half sister.

EXAMINATION BY W. P. THOMPSON, of Vinita, I.T., Attorney for applicants:

Q You say you are a half sister of Emily J. Battles? A Yes sir.
Q Do you know where Emily J. Battles was in the year 1880, at the time the census was taken in 1880?
A She lived in the bend of Russell Creek.
Q In what district? A Delaware District I think.
Q What Nation? A Cherokee.
Q Delaware District, Cherokee Nation? A Yes sir.
Q Did you see her during the time the census was being taken by the census takers? A Yes sir.
Q Where? A There at her place where she lived.
Q State the circumstance; did you go to her home? A Yes sir.
Q State the circumstance? A She was sick; she lived right down in the bottom where the creek and river come together and she took the chills and I had my husband to hitch up the wagon and we went up there and got her and she staid with us until she married Battles.
Q How long did she live at your house? A About four years.
Q I will ask you if the census takers had been around to your house before you went up there and got her? A Yes sir.
Q You say you are a half sister of Mrs. Battles? A Yes sir.
Q By the same mother or same father? A Same mother.
Q The same mother as Emily Battles? A Yes sir.
Q Are you on the roll of 1880?
A I don't think I am; I have got that to prove.
Q Have you ever been before the Commission? A Yes sir.
Q You do not know whether you are on the roll of 1880 or not?
A No sir, I don't.
Q You don't know what action was taken in your case? A No sir; I just went before the Commission and they never asked me anything.

By Com'r Breckinridge: Where did you apply? A Vinita.

By Mr. Thompson: Was the census taker at your house in 1880?
A He might have been; in that year my name was Buffington.
Q What is your given name? A Ruth.
Q Then your name was Ruth Buffington in 1880? A Yes sir.

By Com'r Breckinridge: You say the census taker was at your house? A Yes sir.
Q And you give your name in, did you? A Yes sir.

By Mr. Thompson: What was your mother's maiden name? A Her maiden name was Mary Ann Nave, at the time it was Mary Ann Smith; she was married twice, this girl's father was Clark, Emily J. Clark was her maiden name.

By Com'r Breckinridge: What district were you living in in 1880? A Delaware.

By Mr. Thompson: During the time of the taking of the census you went up to get Emily J. Battles, whose name at that time was Emily J. Clark? A Emily J. Clark.
Q Was she ever married before she married Battles?
A No sir.

By Com'r Breckinridge:
Q Your sister Emily, did she live with a man named Blackwell?
A Yes sir, but they were never married.
Q How long did she live with him? A About a year.
Q Was there any children from that marriage that you know of?
A No sir.
Q How near was she living to you at the time she was living with this man Blackwell? A About 28 miles as near as I can guess at it.
Q Your father died in California, didn't he? A No sir, my father is not dead.
Q Your half sister's father died in California? A Yes sir.
Q Emily's father? A Yes sir.
Q Was he a Cherokee or white man? A He was a white man.
Q You and your sister had the same mother? A Yes sir.
Q And you claim that mother was a Cherokee?
A My mother is a Cherokee.

BY W. W. HASTINGS, Cherokee Representative:
Q Did your sister Emily ever go to California? A No sir.
Q Is your sister present here now? A Yes sir.
Q What is your present name? A Lynch.
Q What is your husband's name? A Anderson Lynch.
Q Colored man? A Yes sir; we have been parted five years. I live in Vinita, having been living there five years.
Q What was your name in 1880? A Buffington.
Q Who was your husband then? A Alex.
Q Was he a colored man? A Yes sir, he was part.
Q You did not tell that in Vinita, that your name had been Buffington? A Yes sir.

By Mr. Thompson:
Q Which one were you married to in 1880, Lynch or Buffington?
A Buffington, I married him when I was 22 years old.

Tribal rolls of citizens of the Cherokee Nation examined and witness' and her former husband's names found thereon as follows:
1880 Freedman Roll; page 231, #381, Ruth Buffington, Delaware District, adopted colored.
1880 Freedman Roll; page 231, #380, Alex Buffington, Delaware District. (With this note:) "Alex Buffington same as Gus Buffington."

By Com'r Breckinridge:
Q This man Blackwell, that your sister lived with, what was he, white man? A No sir, he was a Mexican.

By Mr. Hastings:
Q Has your sister lived in the Cherokee Nation ever since 1880?
A Yes sir, and before.
Q Why are you so positive she was here when the rolls were taken?
A She was bound to be because she had a home here.
Q You remember when the rolls of 1880 were taken then?
A Yes sir, I know the rolls was taken in 1880.
Q Do you know who took the rolls? A No sir.
Q You lived right by the man? A Yes, but I can't remember.
Q Is Joe Thompson a neighbor of yours? A Yes sir.
Q You don't remember whether he took them or not?
A No sir, I don't know.
Q What was your mother's maiden name? A Rave; Mary Ann Rave.
Q Was she a Cherokee or colored person? A She was a Cherokee; she was a John Rave and her mother were brothers and sister.

By Mr. Thompson:
Q Did she have any other sister? A Had one.
Q Who was she? A Nancy Riley.
Q What is her name now? A Nancy Riley.
Q You say she was a sister of your mother? A Yes sir.
Q Do you know whether she was a full sister? A She was a twin.
Q Where does Nancy Riley live? A Tahlequah.

Mr. Thompson: I desire to cite Sections 688 and 689, page 345, of the Compiled Laws of the Cherokee Nation for the year 1892.

EMILY J. BATTLES, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name, please? A My name is Emily J. Battles.
Q You applied to the Commission for enrollment at Vinita on the 24th of September, did you? A Yes sir.

By Mr. Thompson:
Q This man Blackwell that you lived with, was there any marriage ceremony ever performed between you and Blackwell by any Judge or Clerk of the Cherokee Nation or any ordained minister?
A No sir, they never was.
Q Was any marriage contract in writing between you two parties signed up by you two in the presence of witnesses?
A There never was on top of the earth.
Q Did you two ever, in the presence of a Judge, Clerk or Minister officiating or attending witness, acknowledge each other as husband and wife? A No sir.

By Com'r Breckinridge:
Q You don't remember how long you lived with this man Blackwell?
A I would tell you my friend I could not recollect rightly.
Q You testified in your former evidence that you held each other out to the world as husband and wife; you lived with this man as his wife? A In one sense we was but the people didn't treat us as that and they could not look at it that way.
Q You went by his name? A I guess some people called me by his name.

By Mr. Hastings:
Q You and him agreed to live together as man and wife before you went to doing it? A We might agreed to but never had it in writing.
Q You never had any writing or anything to that effect, but you agreed to do it and held each other out to the community as man and wife? A The community did not know anything about it.
Q There was not much community there was there? A No sir.

Com'r Breckinridge: Copies of this testimony will be filed with case D. #404, and also with the case of Ruth Lynch, D. #487, and notes will be made on the cards calling attention to this testimony.

J.O.Bacom, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Bacom.

Subscribed and sworn to before me this 15th day of February, 1906.

(signed) C. R. Breckinridge,
Commissioner.

To be filed with case of Ruth B. Lynch, C.D. #487.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, IT., MAY 10th, 1901.

In the matter of the application of Anderson Lynch for enrollment as a Cherokee Freedman; said Lynch being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your full name? A Anderson Lynch.
Q You apply for yourself and five children? A Yes sir.
Q Have you got a wife? A Yes sir.
Q Do you want to apply for her? A She applied for herself.
Q Is she living with you? A I am staying on the farm on the river and she is staying in town.
Q You had better apply for her? A Well, sir.
Q How old are you? A About 64 years old.
Q What is your postoffice? A Here at Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here.
Q Lived here all your life? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war?
A Yes sir.
Q And you were set free by the war? A Yes sir.
Q To whom did you belong? A Joe Lynch.
Q Was he a recognized Cherokee citizen?
A Yes sir, never has been disputed.
Q Well, where were you during the war? A I was up in Kansas.
Q Are you on the roll of 1880?
A Yes sir, ought to be, guess it is there yet.
Q You came back from Kansas after the war? When? A In '65.
Q Give me the name of your wife? A Ruthe Lynch.
Q Is she a Cherokee, a freedman? A She is Cherokee.
Q You think perhaps she is enrolled? A Yes sir, I think she must be.
Q Well, give me the names of your children, these five children you are talking about? A Johnnie.
Q How old is John? A He is about 13 years old.
Q Now, the next child? A Cynthia.
Q How old is that child? A She is 12 years old.
Q The next child? A Claude.
Q How old is Claude?
A I don't know exactly his age; I got it down in the Bible.
Q Is he a little younger than Cynthia? A Yes sir.
Q About ten years old? A Yes sir.
Q The next one to Claude? A Nickname is Cute.
Q What is his name? A They always called him Cute and he has got another name.
Q How old is Cute? A About seven.
Q Now, the next child? A He is about five.
Q His name? A His name is Willis.
Q He is about five, is he? A Yes sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 200, #1869, Anderson Lynch, Delaware District.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's found thereon, page 639, #[illegible], Anderson Lynch, Delaware District.

Q How old is your wife, Ruth? A She must be near about 40 years old I guess.
Q Give me the name of her father? A He was a Dunning.

Q That is as far as you can remember? A Yes sir.
Q Is he dead? A I think they called his name Johnson.
Q Give me the name of your wife's mother? A She was Mrs. Clark, Mary Clark.
Q Is she dead? A Yes sir.
Q How many times had your wife been married before she married you? A Only once.
Q To whom was she married then? A Alex Buffington.
Q Was he dead when she married you? A Yes sir.
Q When did you and your wife marry? A I disremember when it was.
Q Well, as near as you can come? A It must have been about 15 years.
Q And she was a Buffington at that time? A Yes sir.
Q Is your child John the eldest child by this wife?
A Yes sir, that is the eldest one.
Q Who is Willis Battles? A My wife's brother-in-law.
Q Did you know when your wife's father died? A No sir, I didn't know he was dead.
Q I thought you told me he was dead? A No sir, I aint heard of him; I guess Mr. Bell knows him.
Q Is he understood to be a Cherokee or a white man? A Cherokee.
Q Your wife's mother, is she a Cherokee? A Yes sir, Cherokee.
Q You say she is dead? A Yes sir.
Q How long has she been dead? A I could not tell just exactly, must be over 15 years I guess.
Q Was she a Downing at the time she died, or a Clark?
A No, Downing I believe last.
Q She was a Downing then in 1880? A Must have been.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's wife found thereon, page 231, #381, Ruth Buffington, Delaware District.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's wife and children identified thereon as follows:

Page 632, #63, Ruth Lynch, Delaware District.
Page 632, #66, Johnie Lynch, Delaware District.
Page 632, #67, Cynthia Lynch, Delaware District.
Page 632, #68, Claud Lynch, Delaware District.
Page 632, #69, Cute Lynch, Delaware District.
Page 632, #60, Willis Lynch, Delaware District.

Q Now, these children, are they all living now?
A Yes sir, they are all living.
Q Who is there here knows that you and your wife are living together as husband and wife; have you got any neighbors here?
A I guess there is all of them.
Q Give me the name of one that knows? A Allen Lynch knows.

ALLEN LYNCH, being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:

Q Give me your name, please? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation?
A Well, I have been here all the time.
Q Do you know this applicant here, Anderson Lynch? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Well she was--
Q What is her given name now? A Ruthe Lynch.
Q She has been married before she married this man, hasn't she?
A Yes sir.
Q Give me the name of her former husband? A Alex Buffington.
Q Did you know her father? A Yes sir.
Q What was his name? A Johnson Downing.

Q And her mother? A Mary Clark.
Q And this Ruth Buffington, formerly the wife of Alex Buffington is the same woman as this man's wife now? A Yes sir.
Q Do you know the children of this man and his wife, Ruth?
A Yes sir.
Q What is the real name of that child they call Cute?
(No response)
Q Is it Rose? A Mary I.
Q I find in the former application for this child by the mother that the one just after Claude she called Rose M.; what does that "M" stand for? A No sir, I don't know.

ANDERSON LYNCH, the applicant, recalled, further testified:

Q Now, Anderson Lynch, what does the "M" stand for?
A I don't know.
Q Is it Mary? A It may be.
Q Do you know anything about the child being called Rose?
Q Well, her first given name was Rosa May and then she was always so cute they just commenced calling her Cute, that was her nickname.

COM'R BRECKINRIDGE: The applicant began his application for applying for himself, his wife and five children. It is found that his wife had previously applied for herself as shown in Cherokee case D.#487, and in that case she also applied for ~~herself~~ the five children just spoken of; therefore this applicant is discontinued as regard all except the applicant himself. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He states that he has lived in the Cherokee Nation all his life and he will now be listed for enrollment as a Cherokee Freedman.

A copy of this testimony will be filed in case Cherokee D.#487, the same being the case of the applicant's wife, Ruth B. Lynch, and her children. She and the five children mentioned in the testimony are duly identified on the rolls; she being identified on the roll of 1880 and on that of 1896, and these five children being identified on the roll of 1896. The applicant's wife and these five children are identified as Cherokee Freedmen, she being so classed on both rolls referred to. These children are all said to be living now. A note will be made on card D.#487, calling attention to this testimony. It is claimed that the applicant's wife is a Cherokee by blood, and as indicated, her enrollment have been as a Cherokee Freedman.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this 20th day of July, 1901.

(signed) T. B. Needles,

Commissioner.

C.R. 487.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., August 2, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Ruth B. Lynch for the enrollment of herself and minor children, John, Cynthia, Claude, Rosa M. and Willie Lynch, and Lucien and Alex Buffington, as citizens by blood of the Cherokee Nation; Cherokee doubtful card field No.487.

Statement by the Commission.

It is found upon examination of the 1896 census roll of citizens of the Cherokee Nation that the names of applicant's children, Lucien and Alex Buffington, are duly identified thereon as follows:

Page 632, #64, Delaware District, as Lucien Lynch.
Page 632, #65, Delaware District, as Alick Lynch.

(signed) Tams Bixby.
Commissioner.

Cherokee D-694.
" D-487.

[redacted]

Emily J. Battles, (D-694) and Ruth E. Lynch, (D-487) are half sisters, having the same mother, but different fathers. Their mother, Mary A. Smith, (nee Rave) cannot be identified on the 1880 roll, but the uncontradicted testimony is to the effect that she is a Cherokee by blood.

Emily J. Battles is identified on the tribal rolls as follows:
1896 roll, Delaware Dist., #869, blood not stated.
1894 roll, Delaware Dist., #332.
1896 roll, Delaware Dist., #427.
On the latter roll she appears as a Cherokee by blood.

Ruth E. Lynch is identified as an adopted colored citizen on the following rolls:
1880 roll, page 231, Delaware Dist., #841.
1896 roll, page 632, Delaware Dist., #53.
1894 roll, page 428, Delaware Dist., #760.

Neither Emily J. Battles nor her mother can be identified on any of the Freedman rolls; nor is it shown in any of the testimony that either is the descendant of a Cherokee Freedman as defined in the treaty of 1866.

Willis Battles (D-694), claims by intermarriage and has not yet appeared to testify in regard to his status on Sept. 1, 1902.

(Note-- Hold testimony in D-694 is taken; then consolidate these two cases and write applicants up as Cherokees, not as Freedmen, as per suggestion of Mr. Riley. - 10/18/02 - F.J.T.)

Cher
Supp'l to # D 404

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 20, 1908.

In the matter of the application of WILLIS BATTLES JR., for the enrollment of himself as a citizen by intermarriage, and his wife, EMILY J. BATTLES, as a citizen by blood, of the Cherokee Nation:

WILLIS J. BATTLES JR., being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Willis Battles Jr.
Q What is your age, Mr. Battles? A Forty-seven.
Q What is your postoffice address? A Vinita.
Q You are the same Willis Battles Jr., that applied to the Commission in September 1900, for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Emily J. Battles.
Q Is she living at this time? A Yes sir.
Q Have you been living together as husband and wife ever since you were married? A Yes sir.
Q When were you married to Emily J.? A The first day of April, I think it was, in 1884. I have a copy of my license if you wish to see it.
Q Were you ever married before you married Emily J.? A No sir.
Q Is she your first wife? A Yes sir.
Q Was she ever married before she married you? A She says she was not.
Q Have you and your wife Emily J., lived together from the date of your marriage up to the present time? A Yes sir, and are still living together.
Q You have never been separated? A No sir.
Q Were you living together on the first day of September, 1902? As husband and wife? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A Ever since 1884.
Q Has your wife lived with you in the Cherokee Nation all that time? A Yes sir.

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(signed) R. C. Bagwell.

Subscribed and sworn to before me this November 24, 1908.

(signed) R. S. Jones,
Notary Public.

Cher
Supp'l to D 404

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., February 10, 1903.

In the matter of the application of WILLIS BATTLES JR., for the enrollment of himself as a citizen by intermarriage, and his wife EMILY J. BATTLES, as a citizen by blood, of the Cherokee Nation:

LUCIEN B. BELL, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name? A Lucien B. Bell.
Q Your age and residence? A I am sixty-five years old, and I live here in Vinita.
Q You are a citizen of the Cherokee Nation?
A Yes sir, I am a citizen of the Cherokee Nation.
Q Do you know Emily J. Battles?
A I have known her, to know her, since '80 or '81.
Q She is the wife of Willis Battles? IA I presume so, I don't know that to be a fact, I met them here this morning.
Q Did you know the parents of Emily J. Battles? A I know her mother, and have an indistinct recollection of her father.
Q What was her mother's name? A We called her Mrs. Clark.
Q Was her mother ever known as Smith? A She married a man named Smith, Billy Smith, and they had one child.
Q Was Mrs. Smith, or Mrs. Clark, a Cherokee by blood?
A Mrs. Clark was a Cherokee by blood, you will find her name on the roll of 1852.
Q You know she was recognized?
A Oh yes, she was a niece of our chief.
Q Do you know how much Cherokee blood she had? A No sir.
Q Was John Clark a white man?
A He was a white man as I understand it.
Q John Clark was the father of Emily, was he? A No, I don't know; a fellow has to take the woman's word for that.
Q Has this Emily always been recognized as a citizen?
A Well, I can't answer that absolutely; you see I didn't see her for a number of years up to 1880, and they moved over here and did for a long time live over here three or four miles from here.
Q How long has she been living in the Cherokee Nation to your knowledge? A If she has been living here since the first time I saw her it must have been something like twenty years.
Q She has been living here in the nation for twenty years?
A So far as I know; I didn't see her often.
Q Do you know her husband, Willis Battles?
A I have only met him here as Battles.
Q Is her mother dead? A That's my understanding.
Q Her father also? A Well, her father left here, and I don't know as anybody knows what became of him, I don't.

Margaret Brackett, being first duly sworn and examined, testified as follows:

By the Commission:

Q What is your name? A Margaret Brackett.
Q How old are you? A Seventy-five.

Q What is your postoffice address? A Vinita.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Cherokee by blood, are you? A Cherokee by blood.
Q Do you know Emily J. Battles? A Yes sir.
Q How long have you known her? A Well, she's been living here for twenty years, and then I have known of her before.
Q Living where? A Out here about two miles from town.
Q Did you know her parents? A I know her mother.
Q What was her name? A Mary Clark, and after that Mary Smith.
Q How long did you know her? A All her life I reckon, I knew her when she was a young woman.
Q Was she a Cherokee by blood? A Yes sir.
Q How much blood did she have? A I can't tell you that, she was a niece of Chief John Ross. I never heard her blood disputed.
Q You never heard her citizenship disputed? A I never did.
Q When did she die? A I can't tell you exactly when she died, I don't remember very well.
Q A long time ago was it? A A good while, ten or fifteen years.
Q Did you know Emily's father, John Clark? A Yes sir.
Q Was he a white man? A Yes sir.
Q Do you know where he went to when he left the Cherokee Nation?
A He went to California.
Q He died there? A I don't know whether he did or not.
Q Did you ever hear the citizenship of Emily Battles disputed in any way? A I never did.
Q You have known her for twenty years? A Yes sir.
Q Has she been in the Cherokee Nation all the time?
A Yes sir, right on one place.
Q Do you know her husband, Willis Battles? A Yes sir.
Q Do you know when they were married? A About nineteen or twenty years.
Q Have they been living in the Cherokee Nation ever since?
A Yes sir, been living right there on one place.
Q What district did Mrs. Smith, or Mrs. Clark, live in, the mother of Emily? A She lived in Saline a while and she lived in Delaware District.
Q Where was she living at the time of her death?
A Delaware District, I think it was.
Q In what district has Emily Battles been living? A Delaware.
Q All the time you have known her? A All the time since she married Mr. Battles, and before too, I expect. I have known her that long.

Examined by W. W. Hastings:

Q About what time did her mother die? A About twelve or thirteen years, I don't remember exactly.
Q Since 1880? A Yes sir, I think it was.
Q Where did she die? A She died over on Grand River.
Q Where was this applicant, Emily, living when the war came up?
A I don't know, I don't remember.
Q Did you know her before the war? A This here Emily?
Q Yes? A Yes sir, she was a girl then, her mother was living in Saline, and I was lived at Fort Gibson.
Q You lived quite a distance away? A Yes sir.
Q When did you first see Emily after the war?
A I seen her right there at Little Cabin.
Q About when? A About twenty years ago.
Q Do you know where she was, say from the war time up till, say twenty years ago? A No, you must know the war time divided us all, I went south and she went north.
Q I want to get her residence before 1888; now say, where was she living before 1888; you know there is about sixteen or seventeen

years after the war? You don't know? A No, I don't know.

By the Commission:

Q Did Emily Battles have any sisters?
A Yes sir, she's got two sisters.
Q What are their names?
A One is named Cynthia and the other one Ruth.
Q Cynthia Lynch and Ruth Lynch, are these daughters also of Mrs. Clark? A Yes sir.
Q Did they all have the same father? A No sir, there's two Clarks, Emily Clark and Cynthia Clark, and the other one is Ruth Smith. She was the daughter of her mother's second husband. The same mother, but different fathers.
Q These three girls have all the same mother? A Yes sir.
Q It is Mary Clark or Mary Smith? A Yes sir.

Examined by W. W. Hastings:

Q Did she and Clark separate, or did she go with Clark to California? A I think Mr. Clark went with himself to California. He left his wife here like a great many others did.
Q His family never went to California? A No sir, they did not.

MILLIE FRYE, being first duly sworn and examined, testified as follows:

Examined by the Commission:

Q What is your name? A Millie Frye.
Q How old are you? A Sixty-five.
Q Where do you live, what is your postoffice? A Vinita.
Q Are you a Cherokee citizen? A Yes sir.
Q Do you know Emily Battles? A Yes sir.
Q How long have you known her? A Ever since she was a small child.
Q Where was she born? A I don't know where she was born.
Q Where did you first know her? A At Salt Lake, Ross's Salt Lake.
Q Is that in the Cherokee Nation? A Yes sir.
Q What was the name of her mother, did you know her mother?
A Yes sir, her name was Mary Clark.
Q How long did Mary Clark live in the Cherokee Nation?
A I don't know; all her life I guess.
Q When did you first know her? A Why, when I was a small girl.
Q Has Emily Battles been living in the Cherokee Nation all the time you have known her? A No sir, part of the time she was here in the neighborhood, and then again she was away and I don't know where she was.
Q How long would she be gone? A I can't tell you that.
Q How many years was that, ago? A It aint been long, I don't know just how many years, but then it's since her sister married, she was here around visiting.
Q What sister? A Cynthia and Ruth, she's got two sisters, they lived right close to me then at that time.
Q They are by the same mother? A Yes sir, and one of them by the same father.
Q [illegible] with Mary Smith, or Clark? A Yes sir.
Q [illegible] A Yes sir.
Q Never was any question was there? A None as I ever heard of.
Q Did you know her before the war? A Yes sir.

Q Did you know her up through the war? A Yes sir.
Q Do you know when she died? A Yes sir, I was present when she died, but I don't remember when, but I was right there in the house when she died.
Q How many years ago was it? A About fourteen years.
Q Where was she living then? A This side of Boling Ferry on Grand River.
Q That's in Delaware District? A Yes sir, with her son Billy.
Q Do you remember when Emily was married? A No sir.
Q Do you know her husband? A Yes sir.
Q How long have you known him? A I have known him ever since they were married, I didn't know him before.
Q Where have they been living? A On Cabin Creek.
Q All the time? A Yes sir, ever since they were married.
Q It was before she was married you lost track of her?
A She was around the country here.
Q How long would she be gone? A I don't know, never paid any attention, she would go visiting.
Q You don't know where she was? A She said she lived on Russell Creek.
Q Do you know whether she ever went out of the Nation? A No sir, not since we brought her in here. I don't know whether she has or not.
Q Did she make her home with her mother up to the time she married? A She made her home there part of the time.
Q Emily did? A Yes sir.
Q While her mother was living? A No sir, while the old man was living.
Q Was that before or after her mother died? A Before.
Q Did you know John Clark, her father? A Yes sir.
Q He was a white man? A Yes sir.
Q Where did he go? A California.
Q When was that? A About the year '50. It was when this youngest child that's living was a baby.
Q Emily wasn't very old then, was she? A No sir.
Q How old was she? A I don't know, but she was a small child, and her mother had another little baby when John went to California.
Q He went off and left his family? A Yes sir.
Q They didn't go with him? A No sir, she went north with us at the time the refugee Indians went north. Sometime after Billy married she lived with him.
Q How long had Mrs. Clark been living in the Cherokee Nation prior to her death? A I don'tknow.
Q How long had she been living in Delaware District? A I don't know.
Q She left Saline District a long time ago? A Yes sir.
Q And lived in Delaware until she died? A Yes sir, she was a widow woman.

EMILY J. BATTLES, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name? A My name is Emily J. Battles.
Q How old are you? A I am fifty-six years old; will soon be fifty-seven, in May.
Q Are you a Cherokee by blood? A Yes sir, I am a Cherokee by blood.
Q How much blood have you? A I suppose I must be what they call a quarter according to the way my mother told it.
Q The rest is white? A Yes sir.

Q Where were you born, Mrs. Battles? A I was born somewhere in the neighborhood down about Saline District.
Q Cherokee Nation? A Yes sir.
Q What was your mother's name? A My mother's maiden name, she was first a Smith, and then she married my papa John Clark.
Q How long did they live together? A I was too young to know about how many years they lived together; I am not very well posted in education, I had a chance but I couldn't learn. My papa went to California.
Q Do you remember about his going away? A I don't remember much about it; my mother told me about it.
Q You remember talking about it at the time? A Yes sir.
Q Did you stay with your mother after that? A Oh yes.
Q How long did you live with your mother after your father went away? A I lived with my mother until I got grown.
Q Then where did you go? A You know how it was, this war, it had us all torn to pieces, and we just stayed where we could and get a day's work.
Q Did you stay with your mother up until you were grown?
A Yes sir.
Q You were never out of the Cherokee Nation, were you?
A Oh yes sir, we were in and out.
Q Where did you go? A Why, we had to go backwards and forwards to get something to do.
Q Where did you go when you went out? A Went up here next to Kansas on Russell Creek.
Q Did you go into Kansas? A Why right on Russell Creek, you know it's in the nation.
Q You didn't go into Kansas? A Russell Creek is in the nation.
Q Did you go into Kansas? A Oh yes, I was in there but I didn't remain in there very long. I had rather be excused on some questions; I haven't much education and I have been next door to death in my afflictions and can't remember.
Q Do you know when the war closed? A I have been here ever since the war , ever since 1866.
Q Have you been living in the Cherokee Nation all the time since the war closed? A Yes sir.
Q You have never been out since that time? A No sir.
Q Who did you make your home with? A Sometimes I lived with Mrs. Frye, the woman's husband that my mother used to own, this slave is here now that my mother used to own; sometimes I would go there and sometimes I would stay with my half sister for a home to rest.
Q Who is your half sister? A Ruth B. Lynch.
Q You and she are by the same mother? A Yes sir, there's three girls of us and one boy.
Q Didn't you make your home with your mother at any part of that time? A Only a short time; my mother was a widow and I would just knock around wherever I could get a place and make my home with them that I knowed.
Q When were you married to Mr. Battles? A In 1884.
Q Where had you been living for ten years before that time?
A Up on Russell Creek.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q That's in Delaware District? A I suppose so.
Q You were living in Delaware District in 1880? A Yes sir, up there on Russell Creek, I guess that is Delaware District.
Q Have you and Mr. Battles been living together ever since 1884?
A Been living together? ever since 1884 right out here about three miles from here.
Q It's been your home ever since? A Ever since.
Q What is the name of your sister Ruth's husband? A Lynch.
Q Her first husband was a Buffington? A Alex Buffington, yes sir.

Q What was he? A He was a freedman.
Q Her second husband was Lynch? A Yes sir.
Q Was he a freedman also? A I guess so.
Q You have a sister named Cynthia? A Yes sir, that's my full sister, sir.
Q What is her husband's name? A Allen Lynch.
Q Is he a freedman? A I guess so.

Examined by W. W. Hastings:

Q Were you ever married before you married Mr. Battles?
A No sir, I was not.
Q You never were married before? A No sir, this is the only legal husband I hareever had. He is the only lawful husband I ever had.
Q Did you ever have an unlawful husband? A Well, you know just how it is, sometimes poverty drives people to stay around sometimes, but this is the only lawful husband I ever had.
Q Well, I mean did you ever live with any other man as wife, I mean the same house, and hold him out as your husband for any length of time? A No sir, I never did, and never recognized no other husband but this one.
Q With whom did you live on Russell Creek? A Little family up there on Russell Creek, I can't now explain to you; I can't trace them up. I tried to stay there a little while and rest up, consequently they went to Michigan, the old folks did.
Q Did you go with them? A No sir, I had no business going with them. I made that my home a short time you know.
Q Well now, how long did you live with that family up there?
A I guess backwards and forth about four years. Part of the time trying to get out and work.
Q Where were you living when the war closed? A Where was I living?
A That's the question. A If I make no mistake, I think when the war closed, I think I was with Mr. Frye here. Mr. Frye was my mother's slave.
Q I am trying to get from you your whereabouts, how long did you stay with Frye? A If I aint mistaken, I think it must have been four or five years.
Q That would run you up to about 1870, then where did you go?
A I can't tell you; I was here in the nation, that's all I can tell you.
Q Do you know who you lived with? A I can't tell you.
Q Can't you find anybody that known of your whereabouts before 1884, when you married, before your marriage? A Before I was married?
Q Yes. Anyone that known something of your whereabouts in this country before your marriage to Mr. Battles? A I think I can find witnesses right out there.
Q Who is it? A There's my own sister right out there that knows I was right out there on the Creek.
Q No, she don't. A I think so, I don't know.
Q I want you to tell without talking around and around about. I want you to give this Commission some sort of a statement about where you were from the close of the war up to the time of your marriage? A I will tell you. I worked a while down below the ford of the creek.
Q Who for? A Mr. McLain that died.
Q How long did you work for them and when? A I don't know just what year it was in, that was the year in 1883.
Q Before you married? A Yes sir.
Q Where were you the year before that? A Why, I stayed at McLain's there, and in the year 1884 him and I was married.

Q Where were you in 1882? A I was on Russell Creek.
Q Who with? A Up there living around working where I could.
Q Now, was there any town up there around Russell Creek?
A No sir.
Q Wasn't any farms up there, was there? A Some few.
Q Well now, who had one? A Well to give out the truth of it, I can't remember it.
Q There wasn't a single farm up there on Russell Creek in 1882 and you know it? A The old place had been.
Q You know it, and I know it, there wasn't a house on Russell Creek in 1882, was there? Who were you living with?
A There was a family that went to Michigan, named Pemberton. They went off to Michigan.
Q Were you anyways near a railroad up there?
A The nearest railroad I guess was out towards Chetopa I guess.
Q How far were you from Chetopa? A I suppose---they all said it was about six miles.
Q What direction were you from Chetopa? A Southeast of Chetopa on place they called the old Rogers place.
Q On whose place did Pemberton live, this white family? A He lived across there on a man's place by the name of Roach,a white man named Roach,but they all broke up so I don't know where Mr. Roach is.
Q If he was a white man how did he own the place, I want to know some citizen? A I don't know of any citizen around there. The only citizens I know of was the Silverheels.
Q How long did you live there? A Off and on about 4 years.
Q Where did you live before that? A Sometimes with Mr. Frye and sometimes with my half sister.
Q Didn't Millie Frye live close to your half sister all the time?
A Yes sir.
Q Well, she would know about it if you were down there?
A Oh of course she would.
Q Well now, did you live down there and with this Pemberton family up there, say from after the war until your marriage?
A No sir, I did not.
Q Where else did you live? A I was working for McLain, and worked there on Big Cabin for another family. I would work there until I would get tired, and would go back to my sister's. I was working for this family when I got acquainted with Mr. Battles.
Q Who with? A Harkness. They had corn there and I went down there to gather corn.
Q I don't care about that.

Examined by the Commission:

Q Did you at one time live with a man named Franklin?
A I stopped there a while.
A Well, did you live there as his wife?
A I stayed there and tried to better myself.
Q Were you married to him? A No sir.
Q Were you recognized as husband and wife? A Not in company.
Q Did you regard yourself as his wife? A No sir.
Q Did he? A No sir, he didn't.
Q That was how long before you married Mr. Battles?
A How long after I came down here?
Q No, I mean how long was it you lived with this man?
A It was about four years afterward that I married Mr. Battles.
Q It was about 1880 that you lived with this man Franklin?
A I don't know just what time.
Q How long did you live with him? A Only a short time; I thought I would better myself, but I didn't.

Q About how long is that? A I can't remember just how many years.
Q Was it two or three years? A I don't know whether it was or not, because I aint good on memory, because I aint got no education.
Q In what part of the nation were you living at the time you lived with this man Franklin? A Right on Russell Creek.
Q Was Franklin a white man? A No sir, he was a Mexican. I thought I would better myself a little while by getting shed of hard work, but I didn't.
Q You never married him? A No sir.
Q Never regarded yourselves as husband and wife? A No sir.
Q Is that man living or dead? A I can't tell you whatever become of him. I got tired of living there that way.
Q Did you leave him? A I was there and lay sick, and my sister come and got me.
Q And took you away? A Yes sir.
Q You have never seen him since then? A No sir, I never did.

Examined by Mr. Hastings:

Q Where did you first meet this fellow Franklin? A I happened to meet him there in the neighborhood when I was working out.

ANDY FRYE, being first duly sworn and examined, testified as follows:

Examined by the Commission:

Q What is your name? A Andy Frye.
Q How old are you now? A I guess I am sixty-seven.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q You were a slave, were you, before the war? A Yes sir.
Q Who did you belong to? A Mary Clark.
Q Did you know any of Mary Clark's children? A I knowed them all.
Q Was Mary Clark a Cherokee citizen? A Yes sir.
Q Do you know Emily J. Battles? A Yes sir.
Q Is she a daughter of Mary Clark? A Yes sir.
Q Who were the other children? A Cynthia Lynch and Ruth Buffington and Billy Smith.
Q Ruth Buffington is now Ruth Lynch? A Yes sir.
Q Mrs. Clark was a Cherokee by blood? A Yes sir.
Q Did you go out of the Cherokee Nation during the war times? A Yes sir.
Q Do you know if Mary Clark went out too? A Yes sir.
Q She did? A Yes sir.
Q Did she take her children with her? A Yes sir.
Q All of them? A Yes sir.
Q This Emily? A Yes sir.
Q Where did they go? A They went first to Sac and Fox Agency, and then to Kansas.
Q How long did they stay in Kansas? A They stayed there until after the war.
Q Did you come back to the Cherokee Nation after the war? A Yes sir.
Q Did they come back with you? A The old lady didn't come back with us, but I went back after her.
Q About when was that? A In 1867.
Q Did she come back in 1867? A Yes sir, she came back to Chetopa in 1867, and in 1868 she moved down on the river.

Q What river? A Grand River.
Q Was Emily with her then? A She was with us then. Emily and Cynthia were both with us.
Q Did Emily come with her mother? A She come when I did.
Q Did she stay with you? A Sometimes she did and sometimes she was off somewheres else.
Q Where was she? A Somewheres off in the country round.
Q In the Cherokee Nation? A Yes sir.
Q How long would she be gone at a time? A About two or three weeks at a time.
Q And then come back to your home? A Yes sir.
Q Where was she living from that time on up to the time she was married? After the time she come back from Kansas up to the time she was married, where was she living? A Up on Russell Creek, and along in about 1880 I believe she come down here where we live.
Q Near Vinita? A Yes sir, and I think she went back up there; she was living on Russell Creek then along in 1880 or 1882.
Q From 1868 up to 1880 can you tell just where she was living?
A I don't know just where she was living then, but she was down in here at that time.
Q How often would you see her? A I don't know how often, but once in a while.
Q For a year or two, perhaps, you wouldn't see her? A Oh about a year I wouldn't see her, but I could hear of her being up on Russell Creek.
Q Where was her mother during all that time? A She stayed here a while and went back up to Chetopa; she moved back and lived with me a while, and she lived with Ruth a while, and lived with Billy a while, and died at Billy's.
Q From the time she came from Kansas up to the time she died, she never lived out of the Cherokee Nation? A She went back to Chetopa and stayed a year or two working, and then she moved back.
Q When did she move back? A Along about seventy something, I can't tell just what time.
Q Where had she been living for some years before she died?
A She lived with her son Billy pretty near all the time up on Grand River.
Q So that you don't know for certain just where Emily was during these years? A No, she lived up on Russell Creek; that was her home there.
Q What was she doing there? A She was living there.
Q Was she working? A Worked the biggest part of the time.
Q Who was she living with? A I believed she lived with a man by the name of Franklin.
Q How long? A I don't know how long.
Q When was that? A That was when she was living up on Russell Creek.
Q Between seventy and eighty? A Along about 1880 I think, she come down, back here along about 1880.
Q After she left Franklin? A Yes sir.
Q Shortly after that she married Mr. Rattlesg? A Yes sir, I don't know when they married.
Q Have you known her since that time? A Yes sir.
Q Where has she been living? A Over there on Rattles place.
Q Delaware District? A Yes sir.
Q Have they been living over there together all this time?
A Yes sir.
Q Did you know John Clark, Emily's father? A Yes sir.
Q Was he a white man? A Yes sir.
Q When did he go away to California? A I think he went off in 1850.

Q Went away before the war? A Yes sir.
Q Never came back? A No sir.
Q Did you know Mrs. Clark's second husband, Smith? A Yes sir.
Q Was he a white man? A He was a full blood Cherokee.
Q How long did they live together? A About two years.
Q Did he die? A No, they seperated.
Q Is Smith living now? A No sir, he's dead.
Q How long since he died? A Along about the war.

Examined by Mr. Hastings:

Q Did you ever hear of Emily Battles going back to Kansas after she came down here that time? After she came down after the war? A No sir, I never did.
Q To the best of your knowledge and belief, and from what information you have, she never went back? A I don't think she ever went back; I never heard of her going back.
Q Your information is she lived around in the Cherokee Nation?
A Yes sir, she was in the Cherokee Nation somewhere.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(signed) E. C. Bagwell.

Subscribed and sworn to before me this March 4, 1903.

(signed) Emmett Foreman,
(SEAL) Notary Public.

****

Mabel F. Maxwell, on oath, as stenographer to the Commission to the Five Civilized Tribes, states that the foregoing is a true and correct copy of the original transcript of testimony and proceedings had in Cherokee cases D-404 and D-487.

Mabel F. Maxwell

Subscribed and sworn to before me this 30th day of April, 1903.

Edward Merrick
Notary Public.

DEPARTMENT OF ...
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 21 1902

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10481

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mrs. Ruth B. Lynch,

Vinita, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and seven minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 28th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to W. O. Thompson
Vinita, I. T.

Yours truly,

[illegible]
[illegible]

Acting Chairman.

INDEXED

COMMISSION TO THE FIVE TRIBES.
No. 8548
Received
1903 MAR 11 1903

Cherokee Land Office,
Vinita, I. T.,
March 10, 1903.

Trans. testimony taken at Vinita in case Willis Battles, Jr.

Cherokee

TAMS BIXBY
THOMAS B. GREER
C. R. BREWER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-404.

Vinita, Indian Territory, March 10th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Willis Battles, Jr., Cherokee D-404, I have the honor to transmit herewith a copy of the testimony taken at Vinita, Indian Territory, on February 10th, 1903.

The original record appears to be at Muskogee and is probably consolidated with the case of Ruth B. Lynch, Cherokee D-487.

There is also enclosed herewith briefs of the applicant and the Cherokee Nation, which do not seem to have been attached to the decision heretofore prepared.

Respectfully,

Chief Clerk.

Enc. C-63.
JOC.

COPY.

Cherokee D-404
D-407.

Muskogee, Indian Territory, October 28, 1905.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1905, in the consolidated case of Emily J. Battles et al., granting the applications for the enrollment of Emily J. Battles, Ruth B., John, Cynthia, Claude, Rosa M. and Willis Lynch, and Lucian and Alex Duffington, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

T. B. Needles

Enc. Rolls.
Commissioner to Chairman.

Cop

Cherokee B-487.

Muskogee, Indian Territory, November 11, 1903.

W. D. Humphrey,

Attorney for Ruth B. Lynch, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting the application of Ruth B. Lynch for the enrollment of herself and her seven minor children, John, Cynthia, Claude, Rosa M. and Willis Lynch, and Lucian and Alex Buffington, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Enc. N-18.

Register.

COPY.

Cherokee D-457.

Muskogee, Indian Territory, November 11, 1903.

Ruth B. Lynch,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1903, granting your application for the enrollment of yourself and your seven minor children, John, Cynthia, Claude, Rosa M. and Willis Lynch, and Lucian and Alex Buffington, as citizens by blood of the Cherokee Nation.

Respectfully,

Chairman.

Enc. H-13.

Register.

Cher 10342

Emily J. Battles

Trans. from D404

Cher 10342

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application of Willis Battles, Jr., for the enrollment of himself as a Cherokee by intermarriage and his wife as a Cherokee by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Willis Battles, Jr.
Q What is your age? A I am 45.
Q What district do you live in? A ~~Vinita~~ Delaware District.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A By adoption.
Q For whom do you apply? A Myself and wife.
Q What is your father's name? A His name was Willis Battles, he is dead.
Q What is the name of your mother; she dead? A Yes sir.
Q What was her name? A Mary; they were non citizens.
Q What is the name of your wife? A Emily Jane.
Q What was her name before you married her? A Clark.
Q When did you marry? A The first of April, 1884.
Q She a citizen by blood? A Yes sir, 1/4 Cherokee.
Q What is her age? A 54.
(The applicant presents a marriage license and marriage certificate in due form, certifying that he was married on the 1st of April, 1884 to one Mary J. Clark, a Cherokee citizen by blood.)
Q Have you been living with your wife continuously since you married her? A Yes sir.
~~Q Living with her now? A Yes, sir.~~
Q How long have you been living in the Cherokee Nation? A I came here in the fall of 1883.
Q Been living here ever since? A Yes sir; I don't think her name was on the roll of 1880, she was sick at that time.
Q What is the name of her father? A John Clark.
Q He living? A No, I think he is dead.
Q What is the name of her mother? A Mary Ann Clark.
Q She living? A No, sir, she is dead.
Q Are they upon the roll of 1880? A I don't know, sir.
Q When did her mother die? A She has been dead 11 years; her first name was Clark and her last name was Smith, she was married twice.
Q What was her name twenty years ago? A I reckon it must have been Smith; I came here in the fall of 1883 and it was Smith.
Q You say your wife was named Clark? A Yes, sir.
Q How oldis she? A 54.
Q Was she ever married before she married you? A I think she was, she wasn't lawfully married though, I don't think; she is in the audience here.
(On 1896 roll, page 444, No. 427, Emila Jane Battles, Delaware district. Willis Battles, Jr., on 1896 roll, page 566, No. 69, Willis Batles, Jr., Delaware District).
Mr. W. W. Hastings: representative of the Cherokee Nation: Where was your wife in 1880? A She was sick on a little place of her own on Russell Creek.
Q With whom was she living at that time? A Blackwell, I think; they were not lawfully married.
Q How long did she live with Blackwell? A I don't know.
Q About how long? A I have no idea.
Q What degree of blood does she claim? A 1/4.

Emily Battles, sworn and examined by Commissioner Needles,

testified as follows:
Q What is your name? A My name is Emily Battles.
Q What was your name before you married Mr. Battles? A My name was Emily Clark.
Q Was that your name in 1880? A I don't really think it is.
Q Were you married in1880 to anybody? A No, sir, I have never been married, but I was living on Russell Creek at the time and I was sick with the chills; I have always lived in this country.
Q Were you born in this country? A I was born in Saline Dist.
Q What was your mother's name? A Mary Ann Clark.
Q When did she die? A She has been dead about 11 years.
Q She was a cherokee citizen? A She was a Cherokee by blood.
Q Her name is on the roll of 1880? A I don't know, I was living right in the neighborhood, but I have an older sister can answer that question.
Q What was your mother's name before she married Clerk? A Nave.
Q What was your father's name? A My father's name was John Clark.
Q Was he a citizen or a white man? A He was a white man.
Mr. Hastings: In what district was your mother living in 1880? A In Delaware district.
Q 20 years ago? A Yes sir.
Q Was her name Smith or Clark then? A She went by the name of Smith, her last husband was Smith.
Q Do you know when she married Smith? A I can't tell you, I had rather be excused on figures because I haven't got any education.
Q Did you ever live in the State of Kansas? A What was I going to live in the State of Kansas for?
Q Did you ever live there? A No sir.
Q Did you ever live outside of the Cherokee Nation? A I lived as far as Russell Creek.
Q Were you born in the Cherokee Nation? A Yes, sir, I was born in the Cherokee Nation.
Q I want to know if you have ever lived outside the Cherokee Nation? A No, sir.
Q Have you ever resided outside the Cherokee Nation, was your post office ever outside the Cherokee Nation,? A My post office is here in Vinita.
Q You were married in the Cherokee Nation? A Yes, sir.
Q Your mother died in the Cherokee Nation? A Yes, sir.
Q Your father? A I haven't got much information about him, my father went to California and died when I was quite a small girl.
Q You didn't go with him? A Yes sir, how could I go with him; he left me with my mother.
Q You lived with another man before you married this man? A Yes, sir, but I never was married to him.
Q What was his name? A Blackwell.
Q His first name? A John Blackwell.
Q How long did you live with him? A About four years.
Q You lived with him as husband and wife? A Yes, sir.
Q He held you out to the community as his wife? A Yes, sir.
Q And you recognized him as your husband? A Yes, sir.
Q Do you remember when that was? A That was along in 1880.
Q You afterwards separated, did you? A Yes, sir.
Q What was the cause of the separation? A Well, it was simply this reason, because he agreed to marry me according to our law and he wouldn't do it, and I supposed he must have had another wife the reason why he wouldn't do it, and I just naturally got up and pulled out, and besides he was ill to me, he mistreated me, he was a very poor provider, and I got up and came from Russell Creek to the neighborhood where my people was.

Commissioner Needles: The name of Willis Battles, Jr., ap-

pears upon the census roll of 1896 as well as the name of his wife, Emily. He presents a marriage license and certificate certifying that he was married to one Emily J. Clark, a citizen by blood, in the year 1894. The name of said Emily J. Clark does not appear upon the authenticated roll of 1880, neither does the name of her father or mother appear thereon. No satisfactory proof has been made as to her citizenship, and no divorce has been proven as to divorcement of his wife Emily J. Clark from her husband, one Blagwell, to whom she swore she wasn't married, but lived with for four years as man and wife. Consequently, final judgment as to the enrollment of the said Willis Battles, Jr., as an intermarried citizen, and of his wife, Emily J., as a citizen by blood, will be suspended, and their names will be placed upon a doubtful card. When final judgment is rendered as to the citizenship of the applicants, they will be notified by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 24th of September, 1900.

T. B. Needles,
Commissioner.

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I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, I made the above and foregoing copy of testimony in above stated cause, and that the same is a true and correct transcript.

George R. Smith

Sworn and subscribed to before me this 27th day of January, 1904.

Samuel Frazier
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I. T., October 1, 1900.

In the matter of the application of Ruth B. Lynch for the enrollment of herself and seven children as citizens of the Cherokee Nation, said Lynch being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Ruth B. Lynch.
Q How old are you? A 45.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it now you want to have put on the roll? A Myself and seven children.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What was your father's name? A Johnson Downing.
Q Dead or alive? A Alive.
Q What is your mother's name? A Mary Smith.
Q Dead or alive? A Dead.
Q How long since she died? A 11 years.
Q When were you married? A '78.
Q Been married more than once? A Yes, twice.
Q Married to Lynch in '78? A No sir, my first husband was a Buffington.
Q When were you married to Lynch? A '84.
Q What is his full name? A Anderson Lynch.
Q Married him in '84? A Yes.
Q Is he living now? A Yes.
~~Q White man or Cherokee? A He is a freedman.~~
Q You make no application for him? A No sir.
Q You were married before that? A Yes sir.
Q Been married only twice? A That's all.
Q Who did you marry the first time? A Alex Buffington.
Q When did you marry him? A '78.
Q He is dead? A Yes.
Q When did he die? A '83.
Q Cherokee or white man? A Freedman.
Q What are the names of your children? A Lucian Buffington, 19 years ~~and~~ old.
On '94 roll, page 422, number 1706, as Lynch.
Q Next? A Alex, 17 years old.
On '94 roll, page 422, number 1707, as Lynch.
Q Next? A John Lynch, 14 years old.
On '94 roll, page 422, number 1708.
Q Next? A Cynthia, 12 years old.
On '94 roll, page 422, number 1709, as Syntha.
Q Next? A Claude, 9 years old.
On '94 roll, page 422, number 1710.
Q Next? A Rose M. 8 years old.
On '94 roll, page 422, number 1711.
Q Next? A Willis, 5 years old.
Applicant on '94 roll, page 422, number 1705, as Ruth Lynch.

The applicant applies for the enrollment of herself and seven children. She claims to be a native of the Cherokee Nation and to have lived in the Cherokee Nation all her life. She claims as a Cherokee by blood. She is not identified on the rolls of '80 or '90. She is doubtfully identified on the roll of '94 under the name of her present husband, and her first two children are identified on the roll of '94 under the name of her present husband. Her four succeeding children are identified on the '94 roll under applicant's present name, the name of her present husband. These children are said to be living now. She and all of the foregoing children will be listed now for enrollment upon a doubtful card, and when the Commis-

mission issupplied with proper certificate of the birth of the youngest child, Willis, who is too young to be upon the roll of '94, this child will also be listed for enrollment upon a doubtful card. None of these children are identified on the roll of '96.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographer notes thereof.

B. McDonald

Subscribed and sworn to before me this 2nd day of October, 1900.

T. B. Needles,
Commissioner.

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I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and accurate copy of the above testimony now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this the 27 day of January, 1904.

Samuel Tonner

DA04

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ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y.

D. #404.
D. #487.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIS BATTLES, D.#404, and RUTH LYNCH, D.#487, as citizens of the Cherokee Nation;

RUTH LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Ruth Lynch.
Q How old are you? A 45.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know one Emily J. Battles? A Yes, sir.
Q Is she a wife of Willis Battles, Jr.? A Yes, sir.
Q What relationship are you to this Emily Battles? A Half sister.

EXAMINATION BY W. P. THOMPSON, of Vinita, I. T., Attorney for Applicants:

Q You say you are a half sister of Emily J. Battles? A Yes, sir.
Q Do you know where Emily J. Battles was in the year of 1880, at the time the census was taken in 1880? A She lived in the bend of Russell Creek.
Q In what district? A Delaware district, I think.
Q What Nation? A Cherokee.
Q Delaware district, Cherokee Nation? A Yes, sir.
Did you see her during the time the census was being taken by the census takers? A Yes, sir.
Q Where? A There at her place where she lived.
Q State the circumstance; did you go to her home? A Yes, sir
Q State the circumstance? A She was sick; she lived right down in the bottom where the creek and river come together and she took the chills and I had my husband to hitch up the wagon and we went up there and get her and she staid with us until she married Battles.
Q How long did she live at your house? A About four years.
Q I will ask you if the census takers had been around to your house before you went up there and get her? A Yes, sir.
Q You say you are a half sister of Mrs. Battles'? A Yes, sir.
Q By the same mother or same father? A Same mother.
Q The same mother as Emily Battles? A Yes, sir.
Q Are you on the roll of 1880? A I don't think I am; I have got that to prove.
Q Have you ever been before the Commission? A Yes, sir.
Q You do not know whether you are on the roll of 1880 or not?
A No, sir, I don't.
Q You don't know what action was taken in your case? A No, sir; I just went before the Commission and they never asked me anything.
Q By Com'r Breckinridge: Where did you apply? A Vinita.
Q By Mr. Thompson: Was the census taker at your house in 1880?
A He might have been; in that year my name was Burlington.
Q What is your given name? A Ruth.
Q Then your name was Ruth Burlington in 1880? A Yes, sir.

BY COM'R BRECKINRIDGE:

Q You say the census taker was at your house? A Yes, sir.
Q And you give your name in did you? A Yes, sir.

By MR. Thompson:

Q What was your mother's maiden name? A Her maiden name was Mary Ann Wave, at the time it was Mary Ann Smith; she was married twice, this girl's father was Clark, Emily J. Clark was her maiden name.

BY COM'R BRECKINRIDGE:

Q What district were you living in in 1880? A Delaware.

BY MR. THOMPSON:

Q During the time of the taking of the census you went up to get Emily J. Battles, whose name at that time was Emily J. Clark? A Emily J. Clard.
Q Was she ever married before she married Battles? A No, sir.

BY COM'R BRECKINRIDGE:
Q Your sister, Emily, did she live with a man named Blackwell?
A Yes, sir, but they were never married.
Q How long did she live with him? A About a year.
Q Was there any children from that marriage that you knew of?
A No, sir.
Q How near was she living to you at the time she was living with this man, Blackwell? A About 25 miles as near as I can guess at it.
Q Your father died in California didn't he? A No, sir, my father is not dead.
Q Your half sister's father died in California? A Yes, sir.
Q Emily's father? A Yes, sir.
Q Was he a Cherokee or white man? A He was a white man.
Q You and your sister had the same mother? A Yes, sir.
Q And you claim that mother was a Cherokee? A My mother is a Cherokee.

BY W. W. HASTINGS, Cherokee Representative:

Q Did your sister, Emily, ever go to California? A No, sir.
Q Is your sister present here now? A Yes, sir.
Q What is your present name? A Lynch.
Q What is your husband's name? A Anderson Lynch.
Q Colored man? A Yes, sir, we have been parted five years. I life in Vinita, having been living there five years.
Q What was your name in 1880? A Buffington.
Q Who was your husband then? A Alen.
Q Was he a colored man? A Yes, sir, he was part.
Q You did not tell that at Vinita, that your name had been Buffington? A Yes, sir.

BY MR. THOMPSON:

Q Which one were you married to in 1880, Lynch or Buffington?
A Buffington, I married him when I was 14 years old

Tribal rolls of citizens of the Cherokee Nation examined and witness' and her former husband's names found thereon as follows:
1880 Freedmen Roll; page 231, #381, Ruth Buffington, Delaware district, adopted Colored.
1880 Freedmen Roll; page 231, #380, Alex Buffington, Delaware district. (With this Note:) "Alex Buffington same as Gus Buffington"

BY COM'R BRECKINRIDGE:

Q This man Blackwell that your sister lived with, what was he, white man? A No, sir, he was a Mexican.

BY MR. HASTINGS:

Q Has your sister lived in the Cherokee Nation ever since 1880?
A Yes, sir, and before.
Q Why are you so positive that she was here when the rolls were taken? A She was bound to be because she had a home here.
Q You remember when the rolls of 1880 were taken then? A Yes, sir, I knew the rolls was taken in 1880.
Q Do you know who took the rolls? A No, sir.
Q You lived right by the man? A Yes, but I can't remember.
Q Is Joe Thompson a neighbor of yours? A Yes, sir.
Q You don't remember whether he took them or not? A No, sir, I don't know.
Q What was your mother's maiden name? A Nave. Mary Ann Nave.
Q Was she a Cherokee or colored person? A She was a Cherokee; she was a, John Ross and her mother were brothers and sister.

BY MR. THOMPSON:
Q Did she have any other sister? A Had one.
Q Who was she? A Nancy Riley.
Q What is her name now? A Nancy Riley.
Q You say she was a sister of your mother? A Yes, sir.
Q Do you know whether she was a full sister? A She was a twin.
Q Where does Nancy Rile y live? A Tahlequah.

MR. THOMPSON:--I desire to site Sections 688 and 689, page 348, of the compiled laws of the Cherokee Nation for the year 1892.

EMILY J. RATTLES, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name please? A My name is Emily J. Rattles.
Q You applied to the Commission for enrollment at Vinita on the 24th of September, did you? A Yes, sir.

BY MR. THOMPSON:

Q This man Blackwell that you lived with; was there any marriage ceremony ever performed between you and Blackwell by any Judge or Clerk of the Cherokee Nation or any ordained Minister? A No, sir, they never was.
Q Was any marriage contract in writing between you two parties signed up by you too in the presence of witnesses? A There never was on top of earth.

Supl.-D.#404.
487--4.

Q Did you two ever, in the presence of a Judge, Clerk or Minister officiating or attending witnesses acknowledge each other as husband and wife? A No, sir.

BY COM'R BRECKINRIDGE:

Q You don't remember how long you lived with this man Blackwell?
A I would tell you my friend I could not recollect rightly.
Q You testified in your former evidence that you held each other out to the world as husband and wife; you lived with this man as his wife? A In one sense we was but the people didnot treat us as that and they could not look at it that way.
Q You went by his name? A I guess some people called me by his name.

BY MR. W. W. HASTINGS:

Q You and him agreed to live together as man and wife before you went to doing it? A We might agreed to but never had it in writing
Q You never had any writing or anything to that effect, but you agreed to do it and held each other out to the community as man and wife? A The community did not know anything about it.
Q There was not much community there was there? A No, sir.

Com'r Breckinridge:--Copies of this testimony will be filed with Case N. #404, and also with the case of Ruth Lynch, D.#487, and notes will be made on the cards calling attention to this testimony.

---oooOOOooo ---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this 18th day of February, 1902.

C Breckinridge

Commissioner.

Supl.-C.D.#404.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of WILLIS BATTLES, JR., ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 10, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 26th day of February, 1902. On said date the applicant appeared by his attorney, W. P. Thompson, and by agreement between the attorney for the applicant and representative of the Cherokee Nation, the case was continued until the 28th day of February, 1902. This case being called this day, to-wit: 28th day of February, 1902, the applicant appears by his attorney W. P. Thompson.

Mr. W. W. Hastings, Cherokee representative, present.

Commission of Mr. Thompson: Any statement you desire to make relative to this case? A Nothing further, sir, than to submit the case with the privilege of filing a brief with ten days.

Commission: The attorney for the applicant and representative of the Cherokee Nation present submit the case to the Commission and the same is ordered closed and reported to the Commission for final decision based upon the evidence now on file.

The atterne y for the applicants requests the privilege of filing a brief in this case, one copy with the representative of the Cherokee Nation and one copy with the Commission. He will be given ten days in which to supply the same.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case on this day, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rossen

Subscribed and sworn to before me this March 3, 1902.

Commissioner.

(COPY)

Before the Commission to the Five Civilized Tribes.

In the matter of the application of Willis Battles and Emily Jane Battles, his wife, as citizens of the Cherokee Nation.

Brief of Applicant.

Statement of Facts.

The wife of applicant, Willis Battles, is shown by the testimony to be one-fourth Cherokee Inaidn by blood; that Willis Battles married her on April 1st, 1884, under the laws of the Cherokee Nation, as shown by marriage license and certificate; that the wife was living in the Cherokee Nation in 1880 but was not placed on the Roll of 1880 as she was sick at the time; that the name of Emily Jane Battles appears on the Roll of 1896, page 444, No. 427 and his on same roll, page 366, No. 69 as Willis Battles Jr.; that his wife, Emily Jane Battles has lived in the Cherokee Nation all her life and Willis Battles since his marriage to her in 1884.

Argument.

The applicant, Emily Jane Battles, is a Cherokee by blood and her name not appearing on the Roll of 1880 is satisfactorily explained. Her sister's testimony shows, together with her own, that she was at her sister's house at the time sick and could not go to the Census takers and they did not come to her. The Cherokee authorities recognized her as a citizen as is shown by marriage license issued by the Clerk of the District to marry Willis Battles, Jr., and she is on the roll of 1896 properly and no fraud has been charged or proved by the Cherokee Nation and hence under Section 21 of the Act of Congress of June 28th, 1898 should be enrolled.

Now as to her husband, Willis Battles, Jr., I submit that he is entitled to enrollment as he complied with the Cherokee Law regulating intermarriage with Cherokees and obtained his license as shown in this record. She was never legally the wife of Blackwell and hence no divorce

from him was necessary for the reason none of the formalities required by Cherokee Law were complied with by Blackwell and Emily Jane Battles, and hence the marriage relation did not exist between Emily Jane and Blackwell. In support of which I refer you to Sections 688 and 689 of Complied Laws of the Cherokee Nation of 1892.

The Cherokee Nation had at that time and still has, very clear, distinct and formal requirements as to marriages, as will be seen from the reading of the laws above quoted. None of which formalities were ever followed by these parties. Hence I submit that there being no lawful marriage there were no bonds to annul by a divorce court. A divorce Court requires parties to allege and prove a lawful marriage as a condition precedent to a decree of Divorce. Then under his license and certificate Willis Battles, Jr., was entitled to enrollment on the rolls of 1896 and under section 21 Act of Congress of June 28th, 1898 he is entitled to enrollment now.

Respectfully submitted,

Wm. P. Thompson,

Atty. for applicant.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T., April 10th, 1902.

Cherokee D 404.

In the matter of the application of Willis Battles, Jr., for the enrollment of himself as a citizen of the Cherokee Nation by intermarriage and his wife as a citizen of the Cherokee Nation by blood.

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Brief of the Cherokee Nation .

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This is a rather peculair case and makes one hesitate while reading the testimony, and say he is not satisfied. Willis Battles, Jr., claims as a citizen by intermarriage and claims that he was married to his wife on the first day of April 1884, but the testimony discloses the fact that his wife had formerly entered into a common law marriage with one Blackwell with whom she had lived for a period of about four years, they recognizing each other as husband and wife and they being so recognized by the community in which they lived. This we think was such a common law marriage as would have necessitated a divorce between the parties before leaving the woman free to contract a legal marriage with the applicant and for that reason we do not think Willis Battles Jr should be enrolled as a citizen of the Cherokee Nation by intermarriage.

The second reason, and one which applies clearly to the wife why he should not be enrolled is that there is no satisfying testimony that his wife is a citizen of the Cherokee Nation by blood. Upon this proposition the testimony is very uncertain. She of course swears that she is a Cherokee by blood and swears that she was born and always lived in the Cherokee Nation but you will notice upon cross examination she evades nearly all the questions asked her either by answering them indirectly or asking the question over itself. Again it will be noticed that she

claims to have derived her Cherokee blood through her mother and neither her name appears upon the 1880 roll nor the name of her mother. Tather peculiar indeed that two families of the same blood should be missed by the census takers in that year and no effort made to get their names placed upon that roll although a payment was made to those whose names appear upon that roll. There is some deceiving testimony of Ruth Lynch which merits rather close inspection; she testifies that she and the wife of applicant, Emily J. Battles are half sisters, and strange to say it is not developed who the father of Ruth Lynch was. True she says that her mother was a Cherokee and that she and Emily Battles had the same mother but this woman Ruth Lynch has been the wife of two colored men, and she seems to be separated from the second one at this time and from her own testimony she does not commend herself as being a very reputable witness and it is all together probable that her name appears upon the 1880 roll and that she derived her Cherokee blood from her father who was not the father of Emily J. Battles and just why the fact as to who her father is was not developed is not quite clear. The question of citizenship is very impertant one and one about which the commission should fell satisfied. The post office address of the applicant was given as Vinita Indian Territory; she applied September 4th 1900 and since that date the Commission has spent two months in the town of Vinita, upon any day during which time testimony of old reputable citizens of the Cherokee Nation who live near Vinita could have been introduced to prove if it be a fact that this woman Emily J. Battles was a Cherokee by blood and that she has been a continuous resident of the Cherokee Nation.

We submit that it never was the intention of Congress to too lightly set aside the authenticat d roll of 1880. Congress thought there should be some starting point and designated the authentibated roll of 1880 and as above observed neither the name of this woman, Emily J. Battles nor that of her mother appears upon the roll of 1880 and we do not believe the testimony filed in this case is sufficiently convincing, taking the character of the applicant and the witness into consideration. If the applicant had been a contiguous resident and a recognized citizen of the

Cherokee Nation the necessary proof without expense could have been easily obtained while at Vinita.

We submit that neither she nor her husband upon the proof are entitld to be enrolled as citizens of the Cherokee Nation. It is not a circumstance tending to show that a mans wife was a Cherokee by blood because a marriage license was issued to a white man to marry her because none of the clerks of the several districts had any citizenship records whatever as is well known to the Commission the 1880 roll was not copied or printed until 1896 and a marriage license was issued by the clerk upon the representation of the man applying for them that his wife was a recognized citizen of the Cherokee Nation and upon his payment of the fee required.

Respectfully submitted,

W. W. Hastings, J.C.S.

Attorney for Cherokee Nation.

Cherokee D 404

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., OCT. 10, 1902.

In the matter of the application of Willis Battles, Jr., for the enrollment of himself as a citizen, by intermarriage, and for the enrollment of his wife as a citizen, by blood, of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the tribal rolls of the Cherokee Nation, now in possession of the Commission, shows that the applicant, Emily J. Battles, is identified thereon as follows:

1886 pay roll, Delaware District, #249, as Emily Battles;
1894 Strip payment roll, p. 389, Delaware District, #332.

It is ordered that copies of this statement be made a part of the record in this case.

Commissioner.

Q What is your name ? A Willis Battles, Jr.
Q What is your age Mr. Battles ? A Forty seven.
Q What is your post office address ? A Vinita.
Q You are the same Willis Battles, Jr., that applied to the Commission in September, 1900, for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is your wife's name ? A Emily J. Battles.
Q Is she living at this time ? A Yes sir.
Q Have you been living together as husband and wife ever since you were married ? A Yes sir.
Q When were you married to Emily J ? A The first day of April, I think it was, in 1834. I have a copy of my license if you wish to see it.
Q Were you ever married before you married Emily ? A No sir.
Q She is your first wife ? A Yes sir.
Q Was she ever married before she married you ?
A She says she was not.
Q Have you and your wife Emily J., lived together from the date of your marriage up to the present time ? A Yes sir, and are still living together.
Q You have never been separated ? A No sir.
Q Were you living together on the first day of September, 1902, as husband and wife ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Ever since 1884.
Q Has your wife lived in the Cherokee Nation with you all that time ? A Yes sir.

NOTHING

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

N. C. Bagwell.

Cher
Supp'l to # D 404

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of WILLIS BATTLES, JR., for the enrollment of himself as a citizen by intermarriage, and his wife, EMILY J. BATTLES, as a citizen by blood, of the Cherokee Nation.

WILLIS BATTLES, JR., being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Willis Battles, Jr.
Q What is your age Mr. Battles ? A Forty seven.
Q What is your post office address ? A Vinita.
Q You are the same Willis Battles, Jr., that applied to the Commission in September, 1900, for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is your wife's name ? A Emily J. Battles.
Q Is she living at this time ? A Yes sir.
Q Have you been living together as husband and wife ever since you were married ? A Yes sir.
Q When were you married to Emily J ? A The first day of April, I think it was, in 1884. I have a copy of my license if you wish to see it.
Q Were you ever married before you married Emily J ? A No sir.
Q She is your first wife ? A Yes sir.
Q Was she ever married before she married you ?
A She says she was not.
Q Have you and your wife Emily J. lived together from the date of your marriage up to the present time ? A Yes sir, and are still living together.
Q You have never been separated ? A No sir.
Q Were you living together on the first day of September, 1902, as husband and wife ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Ever since 1884.
Q Has your wife lived in the Cherokee Nation with you all that time ? A Yes sir.

I, G. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

G. Bagwell

Subscribed and sworn to before me this November 24, 1902.

B. C. Jones
Notary Public.

Cher
Supp'l to D 404

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 10, 1903

In the matter of the application of WILLIS BATTLES, JR., for the enrollment of himself as a citizen by intermarriage, and his wife EMILY J. BATTLES, as a citizen by blood, of the Cherokee Nation:

LUCIEN B. BELL, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Lucien B. Bell.
Q Your age and residence ? A I am sixty five years old, and I live here in Vinita.
Q You are a citizen of the Cherokee Nation ?
A Yes sir, I am a citizen of the Cherokee Nation.
Q Do you know Emily J. Battles ? A I have known her, to know her, since '80 or '81.
Q She is the wife of Willis Battles ? A I presume so, I don't know that to be a fact, I met them here this morning.
Q Did you know the parents of Emily J. Battles ?
A I knew her mother, and have an indistinct recollection of her father.
Q What was her mother's name ? A We called her Mrs. Clark.
Q Was her mother ever known as Smith ? A She married a man named Smith, Billy Smith, and they had one child.
Q Was Mrs. Smith, or Mrs. Clark, a Cherokee by blood ?
A Mrs. Clark was a Cherokee by blood, and you will find her name on the roll of 1852.
Q You know she was recognized ? A Oh yes, she was a niece of our chief.
Q Do you know how much Cherokee blood she had ? A No sir.
Q Was John Clark a white man ? A He was a white man, as I understand it.
Q John Clark was the father of Emily, was he ?
A No, I don't know; a fellow has to take the woman's word for that.
Q Has this Emily always been recognized as a citizen ?
A Well, I can't answer that absolutely, you see I didn't see her for a number of years up to 1880, and they moved over here, and did for a long while live over here three or four miles from here.
Q How long has she been living in the Cherokee Nation to your knowledge ? A If she has been living here since the first time I saw her it must have been something like twenty years.
Q She has been living here in the Nation for twenty years ?
A So far as I know; I didn't see her often.
Q Do you know her husband, Willis Battles ?
A I have only met him here as Battles.
Q Is her mother dead ? A That's my understanding.
Q Her father also ? A Well, her father left here, and I don't know as anybody knows what became of him, I don't.

MARGARET BRACKETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Margaret Brackett.
Q How old are you ? A Seventy five.
Q What is your post office address ? A Vinita.

Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Cherokee by blood, are you ? A Cherokee by blood.
Q Do you know Emily J. Battles ? A Yes sir.
Q How long have you known her ? A Well, she's been living here for twenty years, and then I have known of her before.
Q Living where ? A Out here about two miles from town.
Q Did you know her parents ? A I knew her mother.
Q What was her name ? A Mary Clark, and after that Mary Smith.
Q How long did you know her ? A All her life I reckon, I knew her when she was a young woman.
Q Was she a Cherokee by blood ? A Yes sir.
Q How much blood did she have ? A I can't tell you that, she was a neice of Chief John Ross. I never heard her blood disputed.
Q You never heard her citizenship disputed ? A I never did.
Q When did she die ? A I can't tell you exactly when she died, I don't remember very well.
Q A long time ago was it ? A A agood while, ten or fifteen years.
Q Did you know Emily's father, John Clark ? A Yes sir.
Q Was he a white man ? A Yes sir.
Q Do you know where he went to when he left the Cherokee Nation ?
A He went to California.
Q He died there ? A I don't know whether he did or not.
Q Did you ever hear the citizenship of Emily Battles disputed in any way ? A I never did.
Q You have known her for twenty years ? A Yes sir.
Q Has she been in the Cherokee Nation all the time ?
A Yes sir, right on one place.
Q Do you know her husband Willis Battles ? A Yes sir.
Q Do you know when they were married ? A About nineteen or twenty years.
Q Have they been living in the Cherokee Nation ever since ?
A Yes sir, been living right there on one place.
Q What district did Mrs. Clark, or Mrs. Smith, live in, the mother of Emily ? A She lived in Saline a while and she lived in Delaware District.
Q Where was she living at the time of her death ?
A Delaware District, I think it was.
Q In what district has Emily Battles been living ?
A Delaware.
Q All the time you have known her ? A All the time since she married Mr. Battles, and before too, I expect. I have known her that long.

Examined by W. W. Hastings:

Q About what time did her mother die ? A About twelve or thirteen years, I don't remember exactly.
Q Since 1880 ? A Yes sir, I think it is.
Q Where did she die ? A She died over on Grand River.
Q Where was this applicant, Emily, living when the war came up ?
A I don't know, I don't remember.
Q Did you know her before the war ? A This here Emily ?
Q Yes ? A Yes sir, she was a girl then, her mother was living in Saline, and I lived at Fort Gibson.
Q You lived quite a distance away ? A Yes sir.
Q When did you first see Emily after the war ?
A I seen her right there at Little Cabin.
Q About when ? A About twenty years ago.
Q Do you know where she was, say from the war time up till, say twenty years ago ? A No, you must know the war time divided us all, I went south and she went north.

Q I want to get her residence before 1883, now say, where was she living before 1883; you know there is about sixteen or seventeen years after the war ? You don't know ?
A No, I don't know.

By the Commission:

Q Did Emily Battles have any sisters ? A Yes sir, she's got two sisters.
Q What are their names ? A One is named Cynthia, and the other one Ruth.
Q Cynthia Lynch and Ruth Lynch, are these daughters also of Mrs. Clark ? A Yes sir.
Q Did they all have the same father ? A No sir, there's two Clarks, Emily Clark and Cynthia Clark and the other one is Ruth Smith. She was the daughter of her mother's second husband. The same mother, but different fathers.
Q These three girls have all the same mother ? A Yes sir.
Q It is Mary Clark, or Mary Smith ? A Yes sir.

Examined by W. W. Hastings:

Q Did she and Clark separate, or did she go with Clark to California ? A I think Mr. Clark went with himself to California. He left his wife here like a great many others did.
Q His family never went to California ? A No sir, they did not.

MILLIE FRYE, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Millie Frye.
Q How old are you ? A Sixty five.
Q Where do you live, what is your post office ? A Vinita.
Q Are you a Cherokee citizen ? A Yes sir.
Q Do you know Emily Battles ? A Yes sir.
Q How long have you known her ? A Ever since she was a small child.
Q Where was she born ? A I don't know where she was born.
Q Where did you first know her ? A At Salt Lake, Ross's Salt Lake.
Q Is that in the Cherokee Nation ? A Yes sir.
Q What was the name of her mother; did you know her mother ?
A Yes sir, her name was Mary Clark.
Q How long did Mary Clark live in the Cherokee Nation ?
A I don't know; all her life I guess.
Q When did you first know her ? A Why, when I was a small girl.
Q Has Emily Battles been living in the Cherokee Nation all the time you have known her ? A No sir, part of the time she was here in the neighborhood, and then again, she was away, and I don't know where she was.
Q How long would she be gone ? A I can't tell you that.
Q How many years was that, ago ? A It aint been long, I don't know just how many years, but there its since her sister married, she was here around visiting.
Q What sister ? A Cynthia and Ruth, she's got two sisters, they lived right close by me at that time.
Q They are by the same mother ? A Yes sir, and one of them by the same father.
Q Were you well acquainted with Mary Smith, or Clark ?
A Yes sir.
Q Was she a Cherokee by blood ? A Yes sir.

Q Never was any question was there ? A None as I ever heard of.
Q Did you know her before the war ? A Yes sir.
Q Did you know her up through the war ? A Yes sir.
Q Do you know when she died ? A Yes sir, I was present when she died, but I don't remember when, but I was right there in the house when she died.
Q How many years ago was it ? A About fourteen years.
Q Where was she living then ? A This side of Beling Ferry, on Grand River.
Q That's in Delaware District ? A Yes sir, with her son Billy.
Q Do you remember when Emily was married ? A No sir.
Q Do you know her husband ? A Yes sir.
Q How long have you known him ? A I have known him ever since they were married, I didn't know him before.
Q Where have they been living ? A On Cabin Creek.
Q All the time ? A Yes sir, ever since they were married.
Q It was before she was married you lost track of her ? X
A She was around in the country here.
Q How long would she be gone ? A I don't know, never paid any attention, she would go visiting.
Q You don't know where she was ? A She said she lived on Russell Creek.
Q Do you know whether she ever went out of the Nation ?
A No sir, not since we brought her in here. I don't know whether she has or not.
Q Did she make her home with her mother up to the time she married ?
A She made her home there part of the time.
Q Emily did ? A Yes sir.
Q While her mother was living ? A No sir, while the old man was living.
Q Was that before or after her mother died ? A Before.
Q Did you know John Clark, her father ? A Yes sir.
Q He was a white man ? A Yes sir.
Q Where did he go to ? A California.
Q When was that ? A About the year '50. It was when this youngest child that's living was a baby.
Q Emily wasn't very old then was she ? A No sir.
Q How old was she ? A I don't know, but she was a small child, and her mother had another little baby when John went to California.
Q He went off and left his family ? A Yes sir.
Q They didn't go with him ? A No sir. She went north with us at the time the refugee Indians went north. Sometime after Billy married she lived with him.
Q How long had Mrs. Clark been living in the Cherokee Nation prior to her death ? A I don't know.
Q How long had she been living in Delaware District ?
A I don't know.
Q She left Saline District a long time ago ? A Yes sir.
Q And lived in Delaware until she died ? A Yes sir; she was a widow woman.

EMILY J. BATTIES, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A My name is Emily J. Batties.
Q How old are you ? A I am fifty six years old; will soon be fifty seven, in May.
Q Are you a Cherokee by blood ? A Yes sir, I am a Cherokee by blood.
Q How much blood have you ? A I suppose I must be what they call a quarter according to the way my mother told it.

Q The rest is white ? A Yes sir.
Q Where were you born Mrs. Battles ? A I was born somewhere in the neighborhood down about Saline District.
Q Cherokee Nation ? A Yes sir.
Q What was your mother's name ? A My mother's maiden name, she was first a Smith, and then she married my papa John Clark.
Q How long did they live together ? A I was too young to know about how many years they lived together, I am not very well posted in education, I had a chance but I couldn't learn. My papa went to California.
Q Do you remember about his going away ? A I don't remember much about it; my mother told me about it.
Q You remember talking about it at the time ? A Yes sir.
Q Did you stay with your mother after that ?
A Oh yes.
Q How long did you live with your mother after your father went away ? A I lived with my mother until I get grown.
Q Then where did you go ? A You know how it was, this war, it had us all torn to pieces, and we just stayed where we could and get a day's work.
Q Did you stay with your mother up until you were grown ?
A Yes sir.
Q You were never out of the Cherokee Nation were you ?
A Oh yes sir, we were in and out.
Q Where did you go ? A Why we had to go backwards and forwards to get something to do.
Q Where did you go when you went out ? A Went up here next to Kansas on Russell Creek.
Q Did you go into Kansas ? A Why right on Russell Creek, you know it's in the Nation.
Q You didn't go into the State of Kansas ?
A Russell Creek is in the Nation.
Q Did you go into Kansas ? A Oh yes I was in there but I didn't remain in there very long. I had rather be excused on some questions, I haven't much education and I have been next door to death in my afflictions and can't remember.
Q Do you know when the war closed ? A I have been here ever since the war, ever since 1866.
Q Have you been living in the Cherokee Nation all the time since the war closed ? A Yes sir.
Q You have never been out since that time ? A No sir.
Q Who did you make your home with ? A Sometimes I lived with Mrs. Frye, the woman's husband that my mother used to own, this slave is here now that my mother used to own; sometimes I would go there and sometimes I would stay with my half-sister for a home to rest.
Q Who is your half sister ? A Ruth B. Lynch.
Q You and she are by the same mother ? A Yes sir. There's three girls of us and one boy.
Q Didn't you make your home with your mother at any part of that time ? A Only a short time, my mother was a widow and I would just knock around wherever I could get a place and make my home with them that I knowed.
Q When were you married to Mr. Battles ? A In 1884.
Q Where had you been living for ten years before that time ?
A Up on Russell Creek.
Q In the Cherokee Nation ? A In the Cherokee Nation.
Q That's in Delaware District ? A I suppose so.
Q You were living in Delaware District in 1880 ?
A Yes sir, up there on Russell Creek, I guess that is Delaware District.
Q Have you and Mr. Battles been living together ever since 1884 ?
A Been living together ever since 1884 right out here about three miles from here.
Q Its been your home ever since ? A Ever since.

Q What is the name of your sister Ruth's husband ? A Lynch.
Q Her first husband was Buffington ? A Alec Buffington, yes sir.
Q What was he ? A He was a Freedman.
Q Her second husband was Lynch ? A Yes sir.
Q Was he a Freedman also ? A I guess so.
Q You have a sister named Cynthia ? A Yes sir. That's my full sister, sir.
Q What is her husband's name ? A Allen Lynch.
Q Is he a Freedman ? A I guess so.

Examined by W. W. Hastings:

Q Were you ever married before you married Mr. Battles ?
A No sir, I was not.
Q You never were married before ? A No sir, this is the only legal husband I have ever had. He is the only lawful husband I ever had.
Q Did you ever have an unlawful husband ?
A Well, you know just how it is, sometimes poverty drives people to stay around sometimes, but this is the only lawful husband I ever had.
Q Well, I mean did you ever live with any other man as wife, I mean in the same house, and held him out as your husband for any length of time ? A No sir, I never did, and never recognized no other husband but this one.
Q With whom did you live on Russell Creek ? A Little family up there on Russell Creek, I can't now explain to you; I can't trace them up. I tried to stay there a little while and rest up, consequently they went to Michigan, the old folks did.
Q Did you go with them ? A No sir. I had no business going with them. I made that my home there a sher time you know.
Q Well now, how long did you live with that family up there ?
A I guess backwards and forth about four years. Part of the time trying to get out and work.
Q Where were you living when the war closed ?
A Where was I living ?
Q That's the question. A If I make no mistake, I think when the war closed I think I was with Mr. Frye here. Mr. Frye was my mother's slave.
Q I am trying to get from you your whereabouts, how long did you stay with Frye ? A If I aint mistaken, I think it must have been four or five years.
Q That would run you up to about 1870, then where did you go ?
A I can't tell you; I was here in the Nation, that's all I can tell you.
Q Do you know who you lived with ? A I can't tell you.
Q Can't you find anybody that knows anything of your whereabouts before 1884, when you married; before your marriage ?
A Before I was married ?
Q Yes ? Anyone that knows something of your whereabouts in this country before your marriage to Mr. Battles ?
A I think I can find witnesses right out there.
Q Who is it ? A There's my own sister right out there that knows I was right out there on the Creek.
Q No, she don't. A I think so, I don't know.
Q I want you to tell without talking around and around about. I want you to give this Commission some sort of a statement about where you were from the close of the war up to the time of your marriage ? A I will tell you. I worked a while down below the ford of the creek.
Q Who for ? A Mr. McLain that died.
Q How long did you work for them and when ?

A I don't know just what year it was in, that was the year in 1883.
Q Before you married ? A Yes sir.
Q Where were you the year before that ? A Why I stayed at McLain's there, and in the year 1884 him and I was married.
Q Where were you in 1882 ? A I was on Russell Creek.
Q Who with ? A Up there living around working where I could.
Q Now, was there any town up there around Russell Creek ?
A No sir.
Q Wasn't any farms up there, was there ? A Some few.
Q Well now, who had one ? A Well, to give out the truth of it, I can't remember it.
Q There wasn't a single farm up there on Russell Creek in 1882 and you knew it ? A The old place had been.
Q You knew it, and I know it, there wasn't a house on Russell Creek in 1882, was there ? Who were you living with ?
A There was a family that went to Michigan, named Pembertaen. They went off to Michigan.
Q Were you anyways near a railroad up there ?
A The nearest railroad I guess, was out towards Chetopa, I guess.
Q How far were you from Chetopa ? A I suppose--they all said it was about six miles.
Q What direction were you from Chetopa ? A South-east of Chetopa on place they called the old Rogers place.
Q On whose place did Pembertaen live, this white family ?
A He lived across there on a man's place by the name of Reach, a white man named Reach, but they all broke up so I don't know where Mr. Reach is.
Q If he was a white man how did he own the place, I want to know some citizen ? A I don't know of any citizen around there. The only citizens I know of was the Silverheels.
Q How long did you live there ? A Off and on about 4 years.
Q Where did you live before that ? A Sometimes with Mr. Frye and sometimes with my half-sister.
Q Didn't Millie Frye live close to your half-sister all the time ?
A Yes sir.
Q Well, she would know about it if you were down there ?
A Oh of course she would.
Q Well now, did you live down there and with this Pembertaen family up there, way from after the war until your marriage ?
A No sir, I did not.
Q Where else did you live ? A I was working for McLain, and worked there on Big Cabin for another family. I would work there until I would get tired, and would go back to my sister's. I was working for this family when I got acquainted with Mr. Battles.
Q Who with ? A Harkness. They had corn there and I went there to gather corn.
Q I don't care anything about that.

Examined by the Commission:

Q Did you at one time live with a man named Franklin ?
A I stopped there a while.
Q Well, did you live there as his wife ? A I stayed there and tried to better myself.
Q Were you married to him ? A No sir.
Q Were you recognized as husband and wife ? A Not in company.
Q Did you regard yourself as his wife ? A No sir.
Q Did he ? A No sir, he didn't.
Q That was how long before you married Mr. Battles ?
A How long after I came down here ?
Q No, I mean how long was it you lived with this man ?
A It was about four years afterward that I married Mr. Battles.

Q It was about 1880 that you lived with this man Franklin ?
A I don't know just what time.
Q How long did you live with him ? A Only a short time. I thought I would better myself, but I didn't.
Q About how long is that ? A I can't remember just how many years.
Q Was it two or three years ? A I don't know whether it was or not, because I ain't good on memory, because I didn't get no education.
Q In what part of the Cherokee Nation were you living at the time you lived with this man Franklin ? A Right on Russell Creek.
Q Was Franklin a white man ? A No sir, he was a Mexican. I thought I would better myself a little while by getting shed of hard work, but I didn't.
Q You never married him ? A No sir.
Q Never regarded yourselves as husband and wife ?
A No sir.
Q Is that man living or dead ? A I can't tell you whatever became of him. I got tired of living there that way.
Q Did you leave him ? A I was there and lay sick, and my sister came and got me.
Q And took you away ? A Yes sir.
Q You have never seen him since then ? A No sir, I never did.

Examined by Mr. Hastings:

Q Where did you first meet this fellow Franklin ?
A I happened to meet him up there in the neighborhood when I was working out.

ANDY FRYE, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Andy Frye.
Q How old are you now ? A I guess I am about sixty seven.
Q What is your post office ? A Vinita.
Q Are you a Cherokee Freedman ? A Yes sir.
Q You were a slave, were you, before the war ? A Yes sir.
Q Who did you belong to ? A Mary Clark.
Q Did you know any of Mary Clark's children ?
A I knowed them all.
Q Was Mary Clark a Cherokee citizen ? A Yes sir.
Q Do you know Emily J. Battles ? A Yes sir.
Q Is she a daughter of Mary Clark ? A Yes sir.
Q Who were the other children ?
A Cynthia Lynch and Ruth Duffington, and Billy Smith.
Q Ruth Duffington is now Ruth Lynch ? A Yes sir.
Q Mrs. Clark was a Cherokee by blood ? A Yes sir.
Q Did you go out of the Nation during the war times ?
A Yes sir.
Q Do you know if Mary Clark went out too ? A Yes sir.
Q She did ? A Yes sir.
Q Did she take her children with her ? A Yes sir.
Q All of them ? A Yes sir.
Q Did Emily ? A Yes sir.
Q Where did they go ? A They first went to Fort and Fort Arbuckle, and then to Kansas.
Q How long did they stay in Kansas ? A They stayed there until after the war.
Q Did you come back to the Cherokee Nation after the war ?
A Yes sir.

Q Did they come back with you ? A The old lady didn't come back with me, but I sent back after her.
Q About when was that ? A In 1867.
Q Did she come back in 1867 ? A Yes sir, she come back to Chetopa in 1867, and in 1868 she moved down on the river.
Q What river ? A Grand River.
Q Was Emily with her then ? A She was with us then. Emily and Cynthia were both with us.
Q Did Emily come with her mother ? A She come when I did.
Q Did she stay with you ? A Sometimes she did and sometimes she was off somewheres else.
Q Where was she ? A Somewheres off in the country round.
Q In the Cherokee Nation ? A Yes sir.
Q How long would she be gone at a time ? A About two or three weeks at a time.
Q And then come back to your house ? A Yes sir.
Q Where was she living from that time on up to the time she was married ? After the time she come back from Kansas up to the time she was married, where was she living ?
A Up on Russell Creek, and along in about 1880, I believe, she come down here where we live.
Q Near Vinita ? A Yes sir. And I think she went back up there; she was living on Russell Creek then along in 1880 or 1882.
Q From 1868 up to 1880 can you tell just where she was living ?
A I don't know just where she was living then, but she was down in here at that time.
Q How often would you see her ? A I don't know how often, but once in a while.
Q For a year or two perhaps you wouldn't see her ?
A Oh about a year I wouldn't see her, but I could hear of her being up on Russell Creek.
Q Where was her mother during all that time ? A She stayed here a while and went back up to Chetopa, she moved back and lived with me a while, and she lived with Ruth a while, and lived with Billy a while, and died at Billy's.
Q From the time she came from Kansas up to the time she died, she never lived out of the Cherokee Nation ? A She went back to Chetopa and stayed a year or two working, and then she moved back.
Q When did she move back ? A Along about seventy something, I can't tell just what time.
Q Where had she been living for some years before she died ?
A She lived with her son Billy pretty near all the time up on Grand River.
Q So that you don't know for certain just where Emily was during these years ? A No, she lived up on Russell Creek; that was her home there.
Q What was she doing there ? A She was living there.
Q Was she working ? A Worked the biggest part of the time.
Q Who was she living with ? A I believed she lived with a man by the name of Franklin.
Q How long ? A I don't know how long.
Q When was that ? A That was when she was living up on Russell Creek.
Q Between seventy and eighty ? A Along about 1880, I think, she come down, back here along about 1880.
Q After she left Franklin ? A Yes sir.
Q Shortly after that she married Mr. Battles ?
A Yes sir, I don't know when they married.
Q Have you known her since that time ? A Yes sir.
Q Where has she been living ?
A Over there on Battles place.

Q Delaware District ? A Yes sir.
Q Have they been living over there together all this time ?
A Yes sir.
Q Did you know John Clark, Emily's father ? A Yes sir.
Q Was he a white man ? A Yes sir.
Q When did he go away to California ?
A I think he went off in 1850.
Q Went away before the war ? A Yes sir.
Q Never came back ? A No sir.
Q Did you know Mrs. Clark's second husband, Smith ?
A Yes sir.
Q Was he a white man ? A He was a full blood Cherokee.
Q How long did they live together ? A About two years.
Q Did he die ? A No, they separated.
Q Is Smith living now ? A No sir, he's dead.
Q How long since he died ? A Along about the war.

Examined by Mr. Hastings:

Q Did you ever hear of Emily Battles going back to Kansas after she came down here that time ? After she came down after the war ?
A No sir, I never did.
Q To the best of your knowledge and belief, and from what information you have, she never went back ?
A I don't think she ever went back; I never heard of her going back.
Q Your information is she lived around in the Cherokee Nation ?
A Yes sir, she was in the Cherokee Nation somewhere.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this March 3, 1903.

Samuel Freeman

Notary Public.

COPY

Cherokee D-401
" D-487.

Muskogee, Indian Territory, October 25, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1906, in the consolidated case of Emily J. Battles et al., granting the applications for the enrollment of Emily J. Battles, Ruth B., John, Cynthia, Claude, Rosa M. and Willis Lynch, and Lucian and Alex Duffington, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

T. B. Needham

Enc. Brief.

Cher 10343

Gilbert T. Thompson

Trans. from D3

Cher 10343

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Gilbert T. Thompson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Gilbert T. Thompson.
Q How old are you? A Fifty-three years old.
Q Have you ever enrolled in Coweescoowee District? A My property
Q When were you admitted? A It was up before the council in
[illegible]
Q You have been recognized as a citizen all the while since that time?
A Yes sir, all along; my property is here, and I have voted here.
Q What is your wife's name? A Josephine A.
Q Have you got a marriage certificate? A No sir, I married in the State.
Q She was never admitted? Well she has been [illegible] they admit the all of them I suppose; she is not a citizen [illegible]
Com'r McKennon: If she is a white woman you would [illegible] her according to Cherokee law in order that she might be enrolled; if they had admitted her with you that would have been different.
Q What are the name of your children living with you? A [illegible] Thompson, she is married.
Q What is the next child? A Gilbert Thompson Jr.
Q Next? A Matthew, aged seventeen.

FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

D # 3

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Gilbert T. Thompson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Gilbert T. Thompson.
Q How old are you? A Fifty-three years old.
Q Were you ever enrolled in Coowetoowee District? A My property is there.
Q When were you admitted? A It was up before the Council in 1883.
Q You have been recognized as a citizen all the while since that time?
A Yes sir, all along; my property is here, and I have voted here.
Q What is your wife's name? A Josephine A.
Q Have you got a marriage certificate? A No sir, I married in the State.
Q She was never admitted? A Well she has been admitted, like they admit the all of them I suppose; she is not a citizen by blood.
Com'r McKennon: If she is a white woman you would have to marry her according to Cherokee law in order that she might be enrolled. If they had admitted her with you that would have been different.
Q What are the names of your children living with you? A Alice Thompson, she is married.
Q What is the next child? A Gilbert Thompson Jr.
Q Next? A Matthew, aged seventeen.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

COMM'N TO FIVE CIVILIZED TRIBES
MUSKOGEE, I.T.

FILED
MAY 11 1960

Statement of Applicant—Taken Under Oath.

Ill WL

CHEROKEES BY BLOOD AND ADOPTION.

Date May 11 1900.

6-3

Name Gilbert P. Thompson

District Cora Year 94 Page 317 No. 4311

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name ~~Josephine A. Thompson~~

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

~~Ola Thompson~~	Dist.	Year	Page ~~317~~	No. ~~4311~~	Age
1 Gilbert P. Thompson Jr	Dist. Cora	Year 94	Page 317	No. 4313	Age 21
Matthew "	Dist. "	Year "	Page "	No. 4314	Age 17
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 On roll Gilbert Thompson

2 " " " " Jr

See testimony of Gilbert P. Thompson

Capt. McKennon: You are a minister of the Presbyterian Church, how long have you been?

A - Been a minister of the Presbyterian Church I suppose 25 or 30 years.

Q - Continuously in the ministry?

A - [illegible]

Q - You have two sons who are ministers too? A - yes, sir.

Q - How long have they been preaching?

A - One of them has been preaching about ten years, and the other about four.

Q - They have regular charges, have they? A - yes, sir.

Q - During all that time?

A - Yes, sir, all the while and they were in school; they had to go to a seminary and colleges, and they both made trips to Europe to school, they studied in Edinburgh during a year, and the youngest one has just returned a few months ago. The church gave him the vacation and he has gone back to work. The spirit of the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 28th, 1900.

In the matter of the application for enrollment as a Cherokee Citizen by
Gilbert T. Thompson.

Mr. Gilbert T. Thompson, being duly sworn, made the following statement, in addition to testimony already taken:

Capt. McKennon: You may just state anything you want to say now.

A - The statement I wish to make is this; that we felt all the while that we were complying with the Cherokee law in regard to maintaining our citizenship. We would have lived here, only that our profession took us out. We had no charge of our denomination here and couldn't get any work. Myself and two sons are ministers and we had no work to keep us here. We maintained our property right and our citizenship as to voting nowhere else except here, and we felt that we had complied with the law in that particular. If at any time we could have gotten work here in the Cherokee Nation in our church, or even in the Northern Branch of the Presbyterian Church, we would have moved here. According to the agreement between the Northern and Southern churches, we occupy the Choctaw and the Chickasaw, and the Northern preachers occupy the Creek Nation and the Cherokee and the Seminoles. That is the agreement between us, just as we do in foreign countries. Owing to that fact it has been impossible for me to get work here. The Northern brethren always give their own applicants the preference, and it has just kept us out in that way, but we have from time to time visited the Nation and voted in the Nation and maintained our property rights all the while.

Mr. Dixon: What do you mean by maintaining your property rights?

A - We understand that there has been out of the Nation both their efforts that they forfeit citizenship, but we did not have

our effects; that is our property.

Q - You have a farm here? A - Yes, sir.

Q - What personal property have you in the Cherokee Nation; any personal property?

A - We have cattle and horses and things of that kind, and farm implements.

Q - You own a farm stocked with cattle and horses?

A - Yes, sir, most of the while we have had it stocked. Sometimes we would run out of cattle to a limited extent, but we had a few all the time.

Q - When you would come back to the Nation do you go to this place and live there?

A - Yes, sir, every time we come back we go there and remain there the while. Of course I don't say that we lived there in the sense that one would live a month or two or three, but we would stay a week or few days; that is about all the living we did there.

Q - How did you first become a citizen of the Cherokee Nation?

A - Regularly before a citizenship court or commission; I don't remember the technical name, of the Cherokee Nation.

Q - How many years ago? A - 17 years ago, in August or September. The record will show.

Q - How much of that 17 years have you lived in the Cherokee Nation?

A - I can't say that we have lived here more than about a year and a half, I have stayed here and worked here. I preached one year at Tahlequah, had charge of the Presbyterian Church there.

Q - How long is it now since you have been here preceding this trip?

A - It has been about three years; but I would have been here every year, but I suppose you know that ministers are poorly paid and have no money to travel on. It would suit me very well to come here every year, but our work is such we don't live here and not having the money to travel on we couldn't come just when we would

like to.

Capt. McKennon: You are a minister of the Presbyterian Church, how long have you been?

A - Been a minister of the Presbyterian Church I suppose 25 or 30 years.

Q - Continuously in the ministry?

A - I haven't done a thing but preach the Gospel.

Q - you have two sons whomare ministers too? A - yes, sir.

Q - How long have they been preaching?

A - One of them has been preaching about ten years, and the other about four.

Q - They have regular charges, have they? A - yes, sir.

Q - During all that time?

A - Yes, sir, all the while and they were in school; they had to go to a seminary and colleges, and they both made trips to Europe to school, they studied in Edinburgh during a year, and the youngest one has just returned a few months ago. The church gave him the vacation and he has gone back to work. The spirit of the government of the Presbyterian Church requires all of the ministers to keep at work. We have to have churches, and report twice a year where we are and tat we are doing, and we do not allow any idlers in our church or any local preachers. We require all to have churches and we have tried to comply with the requirements of our church and also as we understood it, the laws of the Nation, in maintaining our rights. If we failed, we didn't aim to do it.

Bruce G. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a true and complete transcript of his stenographic notes.

Bruce G. Jones

Subscribed and sworn to before me this 19th day of Jan, 1906.

[illegible]

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 4, 1902.

FEB 27 1905
RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioner.

Ex "R"

Cherokee D-3

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 3,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of Gilbert T. Thompson, Jr. for enrollment as a Cherokee citizen.

Appearances:
Applicant present in person;
W.W.Hastings, of Attorneys for the Cherokee Nation.

GILBERT T. THOMPSON JR., who sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Gilbert T. Thompson.
Q How old are you? A I am 23.
Q What is your post-office address? A Muskogee.
Q Did your father make application for your enrollment in May 1900 as a citizen of the Cherokee Nation? A Yes sir.
Q What is your father's name? A The same as mine.
Q Gilbert T. Thompson? A Yes sir.
Q Is your father living? A Yes sir.
Q What is the name of your mother? A Josephine Amanda.
Q Is she living? A Yes sir.
Q You claim your right to enrollment through your father? A Yes sir, as a Cherokee citizen.
Q Where were you born? A In Tennessee.
Q How long did you live in Tennessee before you came to the Cherokee Nation? A I lived there about five years; I was very small at that time.
Q Did you then come to the Cherokee Nation with your parents? A Yes sir.
Q How long did you continue to reside here? A One year I believe.
Q Where did you go then? A They went to the southern part of Missouri.
Q How long did they reside there? A Something like four or five years, about.
Q Then where did they go? A They went back to Texas I believe, yes, went to Texas.
Q How long did they reside in Texas? A One year.
Q Where did they move to then? A Went back up to the Northern part of Missouri.
Q How long did they reside there? A I don't really remember, a year or two.
Q Where did they go then? A Went from there to Texas, no from there to Kentucky; I went to Texas to school; I didn't take that trip with them.
Q You went from Missouri to Texas to school? A Yes sir.
Q How long did you remain in Texas attending school? A I was there four years.
Q How old were you when you finished school? A I was 18 when I finished that school, then I attended another school and took the post-graduate lectures for three years.
Q In Texas? A Yes sir, from that school, I was in North Carolina however, and was taking the post graduate course in Texas all the time.
Q What were you doing when you reached your majority? A At the time I reached my majority I wasn't doing anything just at that time.
Q Where were you living at that time? A In North Carolina.
Q How long after you became of age before you came out to the Territory? A Nearly a year.
Q How old were you when you first came here the last time? A I was 22.

Q Was your father ever admitted to citizenship in the Cherokee Nation? A Well I think, yes I think the whole family were in '83, and I was admitted about that time I believe myself, with them.

BY COMMISSION: From the records of the Cherokee Nation on page 171 Case No. 164, from the docket of the Commission on Citizenship for the years 1880 to 1884, inclusive, it appears that Gilbert Taylor Thompson and his wife, Josephine A Thompson, together with various other persons, among whom appears the name of Gilbert Taylor Thompson Jr., were admitted to citizenship in the Cherokee Nation, on the 4th day of September 1883, by the Cherokee Commission on Citizenship.

BY MR. HASTINGS:

Q What is the exact date of your birth? A September 11, 1878, or '9, let's see.
Q You were 23 years old last September? A Yes sir.
Q It would be '78? A Yes sir, that's right, '78.
Q How long have you been in the Indian Territory this time?
A I have been in the Indian Territory about 16 months.
Q Continuously? A Continuously.
Q You came here then about October 1900? A Yes sir, I came in October, 1900.
Q You stated that you lived here about a year in '83 after you were admitted? A Yes sir.
Q Then from that time until October of 1900 you have lived where you state in your testimony? A Yes sir.

BY COMMISSION:

Q Is your father a Minister of the Gospel? A Yes sir.
Q To what denomination does he belong? A He is a Presbyterian.

BY COMMISSION: On May 11,1900, application was made for the enrollment of Gilbert T. Thompson, Jr., by his father, Gilbert T. Thompson, as a citizen of the Cherokee Nation. The testimony taken at that time was found to be incomplete and the applicant this day appears and gives further testimony as regards his application.

It appears that he was admitted to citizenship in the Cherokee Nation by an act of the Cherokee Commission on Citizenship on the 4th day of September, 1883, and that he resided in the Cherokee Nation about one year after his admission, since which time he has been making his home in the States, having returned to the Cherokee Nation in October, 1900, where he has since resided.

The applicant is not identified on the Cherokee Census Roll of 1896, but is identified on the pay roll of 1894 andnot on the authenticated roll of 1880 . By reason of the fact that he has not resided in the Territory continuously sin ce he reached his majority, final judgment a s to his application for enrollment as a citizen of the Cherokee Nation will be suspended, and his name will remain on doubtful Cherokee card No. 3, awaiting further testimony as to the residence of his parents.

APPLICANT:

Since my majority I have been continuously in school [illegible] and would have come to the Territory had I been out of school; and I have never cast a vote since I have been out of the Cherokee Nation at all. I always held this as my home here, this town, that is, Muskogee.

BY MR. HASTINGS:

Q But married are you? A No sir. I am not married.

1894 pay roll of citizens of the Cherokee Nation examined and applicant identified on

page 317 No. 6812 Gilbert Thompson Jr., Cooweescoowee District.

BY COMMISSION:

Q Were you enrolled in 1896 Mr. Thompson? A I was about from the Territory at that time; I was too young to know anything about it. Q I was under age; I was at school down here in Sherman, at the time, however.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 4, 1908.

Commissioner.

— Copy —

MARRIAGE LICENSE

OF

Gerard J Thompson

AND

Mrs

Josephine Kouis

[redacted] Jan 22d [redacted]

[redacted] 7 [redacted]

[redacted]

[redacted]

[redacted]

M. E. D

MARRIAGE LICENSE

STATE OF GEORGIA — COUNTY OF GORDON.

TO ANY JUDGE, JUSTICE OF THE PEACE, OR MINISTER OF THE GOSPEL.

You are hereby authorized to join Isaac J. Thompson and Miss Josephine C. King in the Holy State of Matrimony according to the Constitution and Laws of this State and for so doing this shall be your License. And you are hereby required to return this License to me with your Certificate hereon of the fact and date of the Marriage.

Given under my hand and seal this 29 day of January 1860

D. W. Neel (LS) Ordinary

STATE OF GEORGIA CERTIFICATE GORDON COUNTY.

I hereby certify that Isaac J. Thompson and Miss Josephine C. King were joined in Matrimony by me this 1st day of February Eighteen Hundred and sixty three

Recorded Feb 1st 1860 - 1860

A. Templeton M. G.

D. W. Neel Ordinary

State of Georgia, Gordon County.

ORDINARY'S OFFICE—SS.

I, J. W. Hearlein Ordinary and ex officio Clerk of the Court of Ordinary of said County, do hereby certify that I have compared the foregoing copy of Marriage License of Gilbert J Thompson To Miss Josephine A King

with the original record thereof, now remaining in this office, and the same is a correct transcript therefrom, and of the whole of such original record.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Court of Ordinary, this the 14th day of April 1892

J. W. Hearlein

Ordinary and ex officio C. C. O.

File with Cherokee D-
ers

3, Gilbert T. Thompson, et al.

Duf Memorandum in 3-4-5-6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
Milton K. Thompson, for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a memorandum of an agreement made and entered into by and between Francis E. Fite, agent of G. T. Thompson and sons, of the first part, and Charles Hawkins, of the second part, bearing date of July 28, 1896, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James K. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic note thereof.

M D Green

Subscribed and sworn to before me this February 21, 1902.

W. T. Hall

Commissioner.

In the matter of the application of Allison Thompson for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner Wolfenson he testifies as follows:

Q What is your name? A Allison Thompson.
Q How old are you? A Thirty-four.
Q Where do you live? A At Sherman, Texas; I am teaching school there.
Q Where were you born and raised? A [illegible]
Q When did you come to the Territory? A In 1896.
Q How long did you remain here? A I went returned one year, and then went off to school and staid four years, and I have been living in Sherman, Texas ever since.
Q You have not resided in the Territory since 1893? A No sir. I have not been a resident; I have had property here all the time and always come up there and vote.
Q What property? A Much property up here in Cooweescoowee district and cattle and horses, and at Tahlequah too. I have been there.
Q Have you any family? A Yes sir.
Q What family? A A wife and two children.
Q What is your wife's name? A Hamie A. [illegible]
Q What is her age? A She is twenty-[illegible].
Q Is she a white woman? A Yes sir.
Q Where were you married? A In Mississippi.
Q Has she ever lived in the Territory? A No sir.
Q Never been here? A No sir.
Q Have you got some children? A I have two.
Q What is the name of the oldest? A [illegible].
Q How old? A He is eight years old.
Q [illegible] A No sir.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 4 1906

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Allison Thompson for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner McKennon he testifies as follows :

Q What is your name? A Allison Thompson.
Q How old are you? A Thirty-four.
Q Where do you live? A At Sherman, Texas; I am teaching school there.
Q Where were you born and raised? A I was born in Georgia.
Q When did you come to the Territory? A In 1883.
Q How long did you remain here? A I went remained here one year, and then went off to school and staid four years, and I have been teaching in Sherman, Texas ever since.
Q You have not resided in the Territory then since 1883? A No sir, I have not been a resident; I have had property here all the time and I always come up here and vote.
Q What property? A Ranch property up here in Coweskeegee District and cattle and horses, and at Tahlequah too, I have a town lot over there.
Q Have you any family? A Yes sir.
Q What family ? A A wife and two children.
Q What is your wife's name A Mamie A. She is my second wife.
Q What is her age? A She is twenty-seven.
Q Is she a white woman? A Yes sir.
Q Where were you married? A In Mississippi.
Q Has she ever lived in the Territory? A No sir.
Q Never been here? A No sir.
Q Have you got some children? A I have two.
Q What is the name of the oldest? A Ernest W.
Q How old? A He is eight years old.
Q Did he ever live here? A No sir.
Q Your next one? A Mamie.
Q How old is she? A Seven.
Q She ever live here? A No sir.
Q The mother of these children is dead is she? A Yes sir.
Q Was she a white woman? A Yes sir.
Q Where did you marry her? A In Sherman, Texas.
Q Was your mother Cherokee? A No sir, my father was Cherokee, my mother was white.

Commissioner McKennon:

Mamie Thompson, Sherman, Texas.

Your enrollment as an intermarried Cherokee is refused, because you have never resided in the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, and on oath state to the stenographer in the above entitled Commission, that this transcript is a true, full and correct transcription of the stenographic notes.

[illegible]

Suit with Cherokee D- 4, Allison Thompson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
Milton K. Thompson, for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a memorandum of an agreement made and entered into by and between Francis P. Fite, agent of G. T. Thompson and sons, of the first part, and Charles Hawkins, of the second part, bearing date of July 28, 1896, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James K. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

I.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 21, 1902.

Commissioner.

COMMISSION TO
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Cherokee D-4

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 28, 1903.

In the matter of the application of Allison Thompson for the enrollment of himself and his children, Earnest W., Mamie and Allison Archibald Thompson, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ALLISON THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Allison Thompson.
Q How old are you? A 37.
Q What is your postoffice address? A Cleburne, Texas, for the present.
Q Are you an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes.
Q You were admitted to citizenship in '83, were you not? A Yes sir.
Q How long did you live here at that time? A About a year; I came in June.
Q Left in '84? A Yes sir.
Q When did you return to the Cherokee Nation again. A Well, I never have made my home here.
Q Do you wish to make any statement regarding your absence from the Cherokee Nation, or affecting your residence here?
A Well, I left here to go to school and I was in college four years; left here in '84 and attended school at Springfield, Missouri; four years in college. Before leaving Springfield I was elected as a teacher in Austin College, Sherman, Texas, Presbyterian School and I taught there for twelve years. Then I taught at Calvert, Texas two years. Since then I have had nothing permanent, just temporary, like at Cleburne; not even keeping house. During all the time I was at Sherman, Texas, I considered my citizenship in the Cherokee Nation, coming up here for elections and voting and spending from one to three months every year, looking after the ranch in Cooweescoowee, and as I said, I always owned property here, except at the present time I have'nt anything to amount to. And I have an interest in the ranch, not only by being a son of my father, but having paid money into it. So that I have always had an interest here ever since I came to the Territory; and I don't vote in Texas.
Q Have you ever voted in any place except the Cherokee Nation?
A Well no, not in regular election.
Q What election, if any, did you vote in? A I don't remember of any. I have been particular on that point because I used to think that if a person voted on the outside he would lose his citizenship. I have never taken any interest in politics in Texas for that reason.
Q Have you ever intended to abandon the Cherokee Nation as a home? A Never have, and have been working the last ten years to get a position here. I have taught school in the nation.

By J. C. Starr:

Q How much money have you put into the farm in the Cherokee Nation? A Well, In actual money, I put $500 at one time.
Q When was that? A In '94. We had paid in money before that but no definite amount. I bought an interest in the Squaw Hollow Ranch and paid for it; I put $500 into it and then I paid the balance in renting out the place and taking the rents to pay the notes; renting it and paying the notes.
Q Do you own this place in individual right? A No, it is the place owned by the family; we have a written agreement.
Q Prior to 1894 did you own any property in the Cherokee Nation in your own name? A Well, I had some cattle, not any land in my own name, but cattle.
Q How many cattle did you have? A Some 15 or 20.
Q How long did you own them? A Several years.
Q When did you acquire them? A When I lived here in '84.
Q How long did you keep them? A I had them in charge of Dr. Fite here; they were here several years.
Q What became of them? A He paid me for them finally.
Q Sold them to him? A Yes sir.
Q How long ago has that been? A As near as I can recollect it was about '95 or '6.
Q When you made these trips to the nation, did your wife come with you? A No sir.
Q Keeping house there? A No, boarding.
Q Have you been keeping house there? A No sir, boarded.
Q Have you ever lived in the Cherokee Nation since 1884?
A No, I have never resided here. I have spent from one to three months here nearly every year since I left, either on the ranch or at Muskogee.

****

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me this
30th day of July, 1903.

Samuel Potteiger

Notary Public.

WCS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Acting Commissioner

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th 1900.

In the matter of the application of Ernest Thompson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner McKennon he testified as follows

Q What is your name? A. Ernest Thompson.
Q How old are you? A. Thirty-two.
Q Where do you live? A. Louisville, Kentucky.
Q Did you ever live in the Territory? A. Yes sir.
Q When? A. I came here in 1883.
Q How long did you remain here? A. Until sometime in 1884 when I went to College.
Q About a year? A. Yes sir.
Q Have you ever lived here since? A. No sir, not any length of time.
Q Did you ever reside here at all since then? A. No, not to make it my home; I have been here several times and staid a few weeks.
Q Have you any property in the Cherokee Nation? A. Yes sir.
Q When did you acquire it? A. Before I became of age. Of course my father had property, and since then I have had an interest in the ranch here, and I have invested money myself.
Q In what? A. In a piece of property, real estate, in Cooweescoowee District.
Q When did you make that investment? A. I dont remember just the date of that.
Q Well, the year? A. I think it was some eight years ago or more, I don't remember the exact date
Q Have you a family? A. Yes sir.
Q Have you got a wife? A. Yes sir.
Q What is her name? A. Jimmie G. Thompson.
Q How old? A. Thirty.
Q Is she a white woman? A. Yes sir. I was a citizen when I married her.
Q Where did you marry her? A. Pembroke, Kentucky.
Q Has she ever lived here? A. No sir.
Q What is her post office address? A. Louisville, Kentucky.
Q Are you in business there? A. I am a minister there.
Q What children have you? A. Allison G.
Q How old is he? A. Seven. Ernest T., 5 years old; Hugh G., 4 years old.
Q Have these children ever lived here? A. No sir.
I have also had an interest in this property at Tahlequah with my brother, and I have never voted anywhere else, and I have been back here every year, but I have never lived here.

Commissioner McKennon:

Jimmie G. Thompson,
510 Hill St.,
Louisville, Kentucky.

Your enrollment as an intermarried Cherokee citizen is refused, because you have not resided in the Cherokee Nation.

Department of the Interior, Commission to the Five Civilized Tribes, I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, state upon oath that the above is a full, true and correct copy of the original transcript of the testimony in the matter of the application of Ernest Thompson, said original transcript having been made by M.D. Green.

Charles Morrow

Subscribed and sworn to before me this the 19th of January, 1901.

C. A. Phillips Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
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Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1906.

In the matter of the application of James K. Thompson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner McDermott he testifies as follows:

Q What is your name? A James K. Thompson.
Q How old are you? A Twenty-six.
Q Where are you living? A I have been living everywhere most; I have been at school, and a year or two ago graduated and am preaching now in Texas.
Q When did you first come to this Territory? A In 1898.
Q You came with your father? A Yes sir. I was then a minor.
Q And remained here about a year? A Yes sir.
Q You went away with him then? A I went off to college.
Q And staid away ever since,- you have not resided here since?
A Only just like everywhere else, I hardly had a permanent residence anywhere.
Q What is your present post-office address? A Muskogee.
Q Are you married? A I have just married.
Q Is your wife a white woman? A Yes sir.
Q Was she ever resided here? A No.
Q She ever been in the Cherokee Nation? A No sir. We just just get back from Europe, and she hasn't had an opportunity. I have been back repeatedly, and staid with my brother; I have considered of my home just where I happened to be; I had to go away to school.
Q You have no children? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, with no official oath or stenographer to whom sworn, that this transcript is true, full and correct translation of my stenographic notes.

W. D. McDermott

Commission to the Five Civilized Tribes
Received May 14 1906

the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 4, 1902.

Signed, T. B. Needles, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

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File in C. D. #3, #4, #5.

Cherokee D 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 4, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen by blood of the Cherokee Nation.

Appearances:

Applicant in person.
W. W. Hastings, of attorneys for the Cherokee Nation.

JAMES K. THOMPSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson
Q How old are you? A 28
Q What is your post office address? A Muskogee, I think it was down there before as Adair, but I am living here now; I have charge of the Presbyterian Church , regular pastor.
Q Did you appear before the Commission in May 1900 and make application for the enrollment of yourself as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A G. T. Thompson.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Josephine A. Thompson.
Q Is she living? A Yes sir.
Q You claim a right to enrollment through your father or through your mother? A Through my father.
Q Where were you born? A Born at Tunnell Hill, Georgia.
Q How long did you continue to reside there after your birth?
A I dont know exactly; father moved to Tennessee when I was quite a small boy, infant.
Q How long did you reside in Tennessee? A Until '82 I believe it was.
Q Then did you come to the Cherokee Nation? A Yes sir.
Q Were you admitted to citizenship in the Nation by an Act of the Cherokee National Council? A Yes sir; I dont remember, I was only a boy then, possibly about '83, I was about 9 or ten years old I thi think.

BY COMMISSION: It appears from the records of the Cherokee Nation that the applicant and his father were admitted to citizenship in the Cherokee Nation on the 4th day of September, 1883, by an act of the Cherokee Commission on Citizenship.

Q How long did you continue to reside in the Cherokee Nation after you were admitted to citizenship? A I dont know just how long father was here possibly about a year.
Q Where did you go then? A He went to Springfield, Missouri.
Q Did you go with him? A Yes sir, yes, I was a minor you see and had to; it was the only thing I could do.
Q How long did you reside at Springfield, Missouri?
A Stayed there I think about four years.
Q Then where did you go? A He went and we went with him to Texas, to McKinney, Texas; he was a minister you know and was called to the church at McKinney, and I was about 14 I think at the time.
Q How long did he reside in Texas? A He stayed there for two, three, I think that time about three years.
Q Did you accompany him when he left Texas? A He left us in College at Sherman.
Q At Sherman Texas? A Yes sir.
Q How long did you continue to attend school there? A I stayed

there for one year after father left. I was than just eighteen years old.
Q Where did you go then? A I went to Kentucky and attended school there.
Q When did you finish your school? A My schooling in my seminary course in May 1896.
Q Did you attend school again after that? A Yes sir, I went abroad for a while in Scotland.
Q When did you return to this country, that is to the United States?
A I came back in March, May, April, just about two years ago.
Q You had then reached your majority? A Yes.
Q How old were you at that time? A I was a little past 28.
Q Had you been attending school continuously from the time you left your father there in Sherman Texas, up until the time you returned from Scotland? A Well with a little intermission while I was supplying the church in Texas. I was simply a stated supply looking to my final settlement in this country, but I was doing church work off and on. I had'nt completed it.
Q When was the first time you came to the Cherokee Nation after your admission in '83? A You mean to live.
Q Yes, when did you come back; how long have you been here the last time? A Oh I have been here simply a month, to live; I came here January 1st.
Q Where did you come from? A I came from Calvert, Texas.
Q Have you attended school any since your return from Scotland?
A No sir.
Q You have been a minister since that time? A Yes sir. In my profession we go where we are called, and as soon as I was called to th Nation - of course it is in the Creek Nation, I accepted; I am in charge of the Presbyterian Church.
Q As a matter of fact you have never resided in the Cherokee Nation since your admission? Up until the present time? A No sir, when the 1896 roll was made I was a stated supply in the church at Texarkana Arkansas, and I knew nothing about any roll; I came immediately from the Seminary.

1896 roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1894 pay roll of citizens of the Cherokee Nation examined and applicant identified thereon. On page 317 No 4316 James K. Thompson Coweescoowee District.

BY MR. HASTINGS:
Q Are you married? A Yes sir.
Q How long have you been married? A I have been married two years, let's see, married the 3rd day of October 1899.
Q Two years last October? A Yes sir.
Q Where were you married? A Married in Texas.
Calvert, Texas where I was preaching at the time.
Q You came here the first of January to the Creek Nation, Muskogee?
A Yes sir.

BY COMMISSION: On the 11th day of May, 1900 James K. Thompson came before the Commission and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The testimony taken at that time was found to be incomplete, and the applicant this day appears and gives further testimony as regards his application.

It appears from the records of the Cherokee Nation that he was duly admitted to citizenship by an act of the Cherokee National Council on the 4th day of September, 1883; it appears from the testimony that he only resided in the Cherokee Nation one year subsequent to his admission to citizenship, since which time he has not

resided in the Cherokee Nation.

He returned to the Indian Territory in January 1902, and since that time has resided in Muskogee, Indian Territory. He is not identified on the Cherokee census roll of 1896, but is duly identified on the pay roll of 1894. By reason of the fact that the applicant has not resided in the Cherokee Nation since his admission to citizenship, final judgment as to his application will be suspended and his name will remain on Doubtful card #6. The final decision of the Commission will be made known to the applicant when the same is rendered.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 4, 1902.

signed. T. B. Needles, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ella Wallace

Q What is your name? A James K. Thompson.
Q How old are you? A 28 years old.
Q What is your post-office address? A Tahlequah.
Q You were an applicant before this Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q You desire to make a statement relative to your residence? A Yes.
Q Just state briefly. A The fact that I have always considered that the Indian Territory was my domicile, and with that in view I have never at any time exercised the right of franchise in any of the States, though I am in my 29th year, feeling that that might jeopardize possibly the interest here which I considered always to be mine. Besides this, in 1894 I believe it was, the sum of money, some forty over two hundred dollars that was paid to each of the Cherokee citizens, received by myself, was all turned back into our place up close to Adair in the Cherokee Nation, on improvement. It was not used at all, but turned back into the place for its improvement.
Q Have you anything else that you desire to state relative to your enrollment? A I think these two points cover all; only that I have looked forward always to coming back and had simply waited for an opportunity to come, and when the opportunity came I returned here, at the first opportunity.
Q I believe the fact was brought out that you are a minister of the Gospel? A Yes sir, being a minister of course I go where I have an opportunity to go and am sent; our church isn't strong in the Territory, relatively strong of course, and the pulpits have all been filled, but now I am staying here permanently, it is of course supposed to be permanently, depends on the church, at Tahlequah as pastor of the First Presbyterian Church.

BY COMMISSION: This testimony will be filed and made part of the record in the Cherokee case No. D-6.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a

"R"

Cherokee D-6.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 12, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen of the Cherokee Nation, by blood; being sworn and examined he testified as follows:

Appearances:
Applicant, in person.

BY COMMISSION:
Q What is your name? A James K. Thompson.
Q How old are you? A 28 years old.
Q What is your post-office address? A Muskogee.
Q You were an applicant before this Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q You desire to make a statement relative to your residence? A Yes.
Q Just state briefly. A The fact that I have always considered that the Indian Territory was my domicile, and with that in view I have never at any time exercised the right of franchise in any of the States, though I am in my 29th year, feeling that that might jeopardise possibly the interest here which I considered always to be mine. Besides this, in 1894 I believe it was, the sum of money something over two hundred dollars that was paid to each of the Cherokee citizens, received by myself, was all turned back into our place up close to Adair in the Cherokee Nation, on improvements. It was not used at all, but turned back into the place for its improvement.
Q Have you anything else that you desire to state relative to your enrollment? A I think these two points cover all; only that I have looked forward always to coming back and had simply waited for an opportunity to come, and when the opportunity came I returned here, at the first opportunity.
Q I believe the fact was brought out that you are a minister of the Gospel? A Yes sir, being a minister of course I go where I have an opportunity to go and am sent; our church isn't strong in the Territory, relatively strong of course, and the pulpits have all been filled, but now I am staying here permanently, it is of course supposed to be permanently, depends on the church, at Muskogee as pastor of the First Presbyterian Church.

BY COMMISSION: This testimony will be filed and made part of the record in the Cherokee case No. D-6.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 12, 1902.

Commissioner.

JAMES K. THOMPSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.

Q How old are you? A 28.

Q What is your post-office address? A Muskogee.

Q You are an applicant before this commission for enrollment as a Cherokee? A Yes sir.

Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February, 1902, "As a matter of fact, you have never resided in the Cherokee Nation since your admission up until the present time?" You answered, "No sir." "When the 1896 roll was made I was a [illegible] supply in the church at Texarkana, Arkansas and knew nothing about any roll; I came immediately from the seminary."

A Well, that was the question. I misunderstood the [illegible] of course I was admitted to citizenship by act [illegible] at that time, of course I don't remember [illegible] exactly what [illegible], you admitted along with [illegible] at Tahlequah.

Q And were you residing there at that time? A I was residing [illegible] at that time, when he moved away I was still a minor [illegible] school at [illegible] Indian Territory.

Q That was [illegible]? A Yes, yes sir; it was the [illegible]

Q Any other statement you desire to make? A No I think, [illegible] the establishment of our home; when we established our homestead and when I individually went away I knew nothing about the whys and wherefores, I knew nothing about it; I was nine years old. And when I have always felt as I grew up to manhood that I would return to take up my lot rests.

Q You submit this case now to the Commission for final consideration? A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

"R"

Cherokee D-6

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., February 14,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a Cherokee citizen.

Appearances:
Applicant, in person.

JAMES K. THOMPSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.
Q How old are you? A 23.
Q What is your post-office address? A Muskogee.
Q You are an applicant before this commission for enrollment as a Cherokee? A Yes sir.
Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February, 1902, "As a matter of fact, you have never resided in the Cherokee Nation since your admission up until the present time?" You answered, "No sir." "When the 1896 roll was made I was a stated supply in the church at Tamaqua, Arkansas and knew nothing about any roll; I came immediately from the seminary."
A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an act of the Council; I was a minor at the time, of course don't remember the exact transaction, but I was admitted along with the family, father's family, and he resided for 12 months in the Territory, in the Cherokee Nation at Tahlequah.
Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was still a minor; while I was here I attended the male school at Tahlequah in the Indian Territory.
Q That was in about '83 or '4? A '83, yes sir; it was the fall of '83 or '4.
Q Any other statement you desire to make? A No I think,- you the point with regard to the establishment of our home; when we established our citizenship to forever that we were establishing our home and when I individually went away I knew nothing about the ways and wherefores, I knew nothing about it; I was nine years old. And since I have always felt as I grew up to manhood that I would return to take up my interests.
Q You submit this case now to the Commission for final consideration? A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

E.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

E.D. Green

Subscribed and sworn to before me this February 17,1902.

[signature]

Stenographer.

File case Cherokee Dr. G. Ernest T. Thompson.

vs

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 21,1908.

STENOGRAPHIC NOTES OF ORAL PROCEEDINGS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
William H. Thompson, for the applicants;
W.F. Hastings, attorney for the Cherokee Nation.

EX COMMISSIONER: There is offered in evidence a memorandum of an agreement made and entered into by and between Ernest T. Pike, agent of G. T. Thompson and sons, of the first part, and Charles Jackson, of the second part, bearing date of July 28, 1906, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James F. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.2, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

I, D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 21,1908.

Commissioner.

Cherokee N-848

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T., July 28, 1903.

In the matter of the application for the enrollment of Cleo T. Reid and her son, Thompson Reid, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ALLISON THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Allison Thompson.
Q How old are you? A 37.
Q What is your postoffice address? A Cleburn, Texas, for the present; I am down there temporarily.
Q Are you an applicant for enrollment by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know Cleo T. Reid? A Yes sir.
Q Are you any relation to her? A Brother.
Q Has she a son named Thompson Reid? A Yes sir.
Q Where does she live now? A She's in Gastonia, North Carolina.
Q What is her husband's name? A His name is Walker Reid; I believe J. W. Reid.
Q He is living? A Yes sir.
Q He a non-citizen? A Yes sir.
Q She is living with him? A Yes sir.
Q Mr. Thompson, you and the other members of your father's family were readmitted to citizenship in the Cherokee Nation in 1883 were you not? A Yes sir; one of them was born here after the admission.
Q How soon after you were readmitted did you move to the Territory? A We were here when we were admitted.
Q You were living here at that time? A Yes sir.
Q From 1883 how long was it before your sister, Cleo T. Reid, left the Cherokee Nation? A In '84. She went to school in Springfield, Missouri; went to college.
Q Who was she making her home with then, her father? A Yes.
Q She was a minor at that time, was she? A Yes.
Q How long after '83 was it before your father left the Cherokee Nation? A Well he went at the same time, '84; went up there to send her to school, there being no schools here.
Q When did your sister remove to the Nation again? A Well, she has never been back to live here I guess. Been back, but not to live.
Q Where was she married? A North Carolina.
Q Had she been making her home with her father up to the time she was married? A Yes. She didn't a year I believe but she considered that her home; she taught a year.
Q She considered her father's home her home? A Yes.
Q And had she made her home in the Cherokee Nation until he left here in '84 and before she married? A She had not lived here.
Q She had never kept house in the Cherokee Nation? A No.
Q And since 1884 has never had a home here? A No. If you call her home her residence; she had had property here.

Q What business or profession does her husband follow? A He was, until just a short time ago, teaching school; had to quit on account of his health.
Q When Mrs. Reid left here in '84 with her father, did she have any property in the Cherokee Nation? A Not individually; she did as a minor with him.
Q You mean by that she had an interest in the property he had?
A Yes.
Q In other words your father and his family jointly owned property? A Yes.
Q What did that property consist of? A Well, we had property here in Tahlequah, town property; well, it was not all town property then; it was town property and country property at that time. Then we had a ranch in Cooweescoowee District when we left here, several thousand acres, in addition to what we had here.
Q You had then some property in Tahlequah and some farm property near Tahlequah and the ranch in Cooweescoowee District?
A Yes, that is my recollection of it; I don't know whether he had disposed of this town or not before he left, but he had that other one at the depot and then we had a large ranch near Adair, between Adair and Pryorcreek on both sides of the railroad, extending two or three miles on the west side and probably half a mile on the east side, and several thousand head of cattle.
Q Did you have some cattle on the ranch? A Several thousand head.
Q What was done with that property when your family left?
A We kept it for a while until that break in the prices of cattle came and that kinda swamped us.
Q Was that farm property and the ranch property rented or who had control of it? A I don't know who controlled it just at that time; I think Dr. Fite. My recollection is that he had charge of it.
Q Did you derive revenue from this property all the time until you parted with it? A I don't know; I was a boy at that time.
Q Do you own that property now? A No. We have another one that we exchanged that for.
Q In what year did you make the exchange? A I don't recollect; about-----somewhere in '92 I think; been 10 or 12 years ago since we made the exchange.
Q What property did you receive in exchange? A We got a ranch near Adair, about two miles and a half, which we now own. We exchanged for the reason that we thought we would take in a body altogether as much land as we could all hold together, and the one we had was too small and we could not get it all in a body, and the one at Adair had enough in it for the whole family to allot together and that is why we got it.
Q Does Mrs. Reid still own an interest in that property?
A Yes sir.
Q She has no personal property or property of any kind except an undivided interest in that ranch? A That's all.
Q But since her readmission to citizenship she has had an undivided interest in farm property and the ranch and cattle, up to the present time? A She has. Her interest in the property has continued unbroken.
Q Either in the property that you owned when you were readmitted or the property that you have acquired by exchange?
A Yes sir.

Examined by J. C. Starr:

Q Who was the fatherof Cleo T. Reid? A G. T. Thompson.
Q How long had he been living in the Cherokee Nation before he was readmitted in '83? A Well, I don't know just how long; he was here in August a year; I don't know, July or August.
Q When did he leave here? A Just before school commenced at Springfield, Missouri; he went there to send us to school.
Q What year? A '84.
Q What time of the year? A About the last of August or first of September; it was between the 1st and the 15th I think when school opened.
Q Did I understand you to say that you came here and staid about a year during which you were readmitted and then left the country? A No, you see we came from Tennessee here in '83 and as soon as we got here, as soon as we could, we applied for admission; I don't know what was the term; and he came----- We were admitted by act of Council in the fall of '83.
Q That was the following autumn? A Yes sir.
Q Then where did he go? A Springfield, Missouri.
Q Now what property did Gilbert T. Thompson own at the time of his readmission to Cherokee citizenship? A I don't know; he just came here, was Pastor of the Presbyterian Church here and didn't have any property when he came here, but he got hold of this ranch up here, part by purchase and part of it he just took like anybody else and put up a house and fences and then purchased cattle and put on and machinery to run it.
Q What is the property he owned in Tahlequah? A Consists of a house, standing up there now by the depot, two-story house and several acres back of it.
Q I mean inside of Tahlequah? A Then he owned a house this side of that about two blocks; that was in town.
Q I believe you stated there was a farm near Tahlequah? A Well, that was the two-story house.
Q What interest did Cleo T. Reid have in all this property? A Well none, except she was a child.
Q She didn't own any property in her own name? A No, she didn't own it in her own name.
Q Did she live with her father in '84? A Yes sir.
Q And has she ever lived in the Cherokee Nation since that date? A No sir.
Q Where was she living when she was married? A North Carolina.
Q Where has she lived since that? A North Carolina.
Q Has she owned any property in her own right since she was readmitted to citizenship? A No, except this property; it was understood among us that she had a common interest in the houses and things of this nature, and the money paid for them.
Q Who controlled this property? A I had charge of it; my father was absent and the boys gave me charge of it and I looked after it until Doctor Thompson came to the Territory and when he came I turned it over to him. Paid taxes on city property here.
Q In whose name were the taxes paid? A G. T. Thompson.
Q In whose name did you collect the rent? A His name, on the Squaw Hollow Ranch.
Q What did you do with the money when you collected it? A Divided it up; sent it to him and he divided it among the other children.
Q Who did you sent it to? A G. T. Thompson.
Q He has controlled this town property and this farm continuously since '83? A I think so.
Q Then Cleo T. Reid has not property except this property which you think she has a right to in Indian Territory, has she? A No; deeds were never made out; never had deeds made.

By the Commission:

Q Has Cleo T. Reid ever received any of the revenue from this property which you state is owned by your father and the members of your family? A Well, I don't know; I never paid in anything; I sent it to G. T. Thompson.

By J. C. Starr:

Q Did I understnad you to say that she has no property in her own name in the Cherokee Nation at this time? A Yes, I suppose so.
Q You mean she does not own any? A She has no deed of any kind; we didn't take deeds.
Q No deed has been made by G. T. Thompson? A No.
Q G. T. Thompson still controls the property does he?
A Yes; I could not say that he stays-----
Q He is agent? A Yes sir. It has always been understood among us that if a division should be made, father and the children-----
Q But there has never been a formal division? A No, all hold in common.

GILBERT T. THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A G. T. Thompson.
~~Q Gilbert T.? A Gilbert T. Thompson sir.~~
Q How old are you? A 56.
Q What is your postoffice address? A Tahlequah.
Q Are you the father of Cleo T. Reid? A Yes sir.
Q You have heard the testimony of Allison Thompson I believe, as to collecting revenue from property that was owned by you and your family in the Cherokee Nation and sending it to you. When the revenue from that property was received by you what disposition did you make of it? A Well, daughter, Cleo T. Reid, has always gotten her part; it has always been understood that she did; of course I paid all her expenses even after she got out of school and she considered that her property in common with son here and the family; they held the property rather in common.
Q Since she has married, has she received a part of the revenue from this ranch? A Well yes, she has received a part just about like the other boys have; we have not made much off of it really; we had a good deal of expense and had to pay out a great deal and there has been very little coming in. In exchanging ranches, as my son was telling you, we paid several thousand dollars difference between them; we took what we supposed we could allot when the division should come and it was not large enough so we gave considerable difference and took another. But what we made on this place has not been divided; it only went to pay the difference.
Q The first property that you owned here, did you receive revenue from that regularly after you left the nation? A Yes sir, until we sold it.
Q You had it rented, did you? A Yes sir.
Q You never had an accounting with any of your children as to the disposition you made of the revenue from that first place, did you? It was simply used in the support of the family?
A Yes sir, that was the way. When I left here all my children were under age and as their father I held all this property and managed it for them and as they came of age, they did

not divide it; we consider it all ours and when there is anything to divide we divide, and when there was nothing and we had to pay the difference, we just paid it and that is the way the thing has gone.
Q Since your daughter has married, have you accounted to her regularly for any certain proportion of the revenue for that place? A Well, no sir; that is, not as I would to a stranger; we have talked it over and she owns her interest in it, but we have not been as we would be with strangers.
Q The accounting has been all of an informal nature? A Just of an informal nature, yes sir.
Q She knew that there was a balance of the purchase price still owing on the ranch and that the revenue was being applied to the reduction of the debt on the place? A Yes sir.
Q She still owns an undivided interest in that property?
A Yes sir. We have only one that is still a minor; and we have one at Muskogee who has become of age; he is younger than his sister and he owns an undivided interest; all just alike; she has owned it just like the others have owned it.
Q She had an interest as one of your children in all of the property that the family has owned here? A Yes sir, all the time, so it was understood.
Q When you were readmitted, what property did you own?
A None at all here.
Q How soon after you were readmitted did you acquire some property? A Well, I came here in August; I was admitted some time in the fall, I think it was October or November, the assembling of the council in 1883, and I began to accumulate property a little before I was admitted, August I think, because I was certain I would be and had no trouble whatever, and I had some money and bought several places.
Q When did you acquire that ranch, the first one? A Well, as near as I remember it was in the late fall of '83, about November.
Q You left here about September, '84? A Yes sir.
Q You left that property as well as the Tahlequah property in control of an agent? A Yes sir, rented.
Q When did you acquire the Tahlequah property? A Well, I think it was just a little while before I was admitted that I built this house up here where Mr. Hudson lives. That was in Tahlequah; it was town property at that time.
Q You exchanged the ranch you first bought for the one you now have, did you? A Yes sir.
Q And you still have the ranch that you acquired in exchange for the one you first owned? A Yes sir, we have kept it.
Q And it is understood that Cleo T. Reid owns an undivided interest in that ranch and the cattle? A Just as all the others do, yes sir.
Q Does she own any other property here? A No sir.
Q Has she ever owned any other property? A No, not more than any of the other children.

By J. C. Starr:

Q Who paid for the property you purchased after you were readmitted? A I paid for it.
Q Cleo T. Reid was then Cleo T. Thompson? A Yes sir.
Q Did she own part of the property? A Well, not more than the boys did; they were under age, but she paid for it the same as they did.
Q How did they pay for it? A Through me. She had no idividual money, only what I had for her.

Q And therefore she didn't pay in anything or acquire it only as being your child? A That's it.
Q When did you sell your cattle and horses you speak of having on the ranch and how long did you keep them on the ranch?
Q I could not tell you.
Q About when did you dispose of them? A Well, I suppose I was about four years disposing of the bulk of them.
Q After you left the Cherokee Nation? A Yes sir. We didn't dispose of them because we didn't want to keep them, but because we had to. We disposed of some of them and some died.
Q Well, say five years after you left the nation, had you disposed of all your horses and cattle, except those that died?
Q Well, I suppose we had.
Q Well after you had disposed of that property what did you have?
A We had the ranch; we leased out property out for a little while and then we made this exchange paying a large difference and what we got for leasing went to pay this difference, except a few hundred dollars; we got a little revenue.
Q You leased the place out and applied the money on the new place?
A Yes sir.
Q Well, how much money did you put into the new place besides the revenue to pay the difference when you traded places?
A Well, it is a difficult matter to tell; the improvements we had put on the place we considered to be worth about eight or ten thousand dollars and we traded for a place that was worth about fifteen or eighteen thousand so that we paid that difference you know in the rents that we got.
Q How did you pay the balance of the money that was due on the price of the new place? A Well, we got $1200.00 rent and there was $5000.00 difference between the two places and we agreed to pay $1000.00 a year on the property that we swapped for and got it out of the rent, and we rented him the place.
Q The point I am trying to make is, did you pay anything for this new place of your own funds? A The new place, that bought the old place.
Q Well, did you put up any money of your own in that deal?
A Why, yes, of course.
Q When you exchanged places? A Well, you see this place, the smaller one, was ours.
Q No money paid whatever for the second place? A No sir. Only our first place went and the difference of a thousand dollars a year.
Q There was no cash involved in the transaction? A No sir. You see we got that place for five thousand dollars difference; we traded the first place for the ranch near Adair; it was considered worth twelve hundred dollars a year rent, which was very little of course; land was worth very little at that time. And nowwe gave this Squaw Hollow Ranch for the Patton Ranch and this five thousand dollars difference was to be paid annually, a thousand a year, out of the rents of the place; we received no rents you see. Well, we did receive two hundred and fifty dollars every year in money. That is he paid us twelve hundred and fifty and two hundred and fifty of that was in money and the other was the didfference between the Squaw Hollow Ranch and this ranch.
Q Mr. Thompson, you exchanged your first ranch for the one you now own and gave five thousand dollars boot and the five thousand dollars boot came out of the rents for the ranch you now own, a thousand dollars a year? A Yes sir.
Q And when was this trade made? A That trade was made about five years ago.

Q Does Dr. Fite control that place? A Well, he still has it rented, time is not quite out.
Q When is the time out? A This fall.
Q And have you any other property on that place other than just the place? A No sir, I have no stock, nothing but the houses and barns. All the property I have.
Q Has Cleo T. Reid paid anything into this property herself?
A Yes, she has paid just like the boys have paid. The thousand dollars was considered ----- one-seventh of that was considered hers and she has consented for one-half of that to go annually for the payment of this ranch and she owns her interest in the larger ranch just as the boys do and it is so understood.
Q That is to say, she owns it when you get it paid out? A Yes, she owns an interest.
Q And the place is paying itself out? A Yes sir.
Q Well, she has never furnished any cash to pay on that has she?
A Yes, she has furnished a little cash.
Q How much? A Well, I couldn't tell you; we drew the head-right money and a small part of what she drew went in payment for improvements.
Q About how much? A I suppose about fifty dollars, just paid her part of it; I couldn't tell you the amounts; her part as one of the members of the family.
Q Has she ever lived in the Cherokee Nation since '84?
A No sir.
Q Where does she live now? A North Carolina.
Q How long has she been living there? A About five years.

By the Commission:

Q Mr. Thompson, you spoke of using some of the strip money you drew for your daughter, Cleo T. Reid, to improve this ranch?
A Yes sir.
Q For how many members of your family did you draw strip money?
A For myself and three minors.
Q Was there any money used that was not a part of that strip money? A I paid in $2250---$1250 was money of course that I had---on the improvements of this new larger ranch, and $1000 1/4 mine and 1/4 daughter's. I remember now that I did put in $1000, or 1/4 of it for each of the children, and when I said $50 did not remember this.
Q So you think now that, of the $1000 of strip money you paid in for improvements, there was about 1/4 of that amount paid out for Cleo T. Reid? A As she and Gilbert T. Jr., and Matthews were still with me at home I drew their money and I used it for them to improve the place. It was for all of them.
Q You used a thousand dollars of the money that you drew for yourself and these three children? A Yes sir.

By J. C. Starr:

Q Have you settled with her for the balance of the strip money?
A Well now, there was mighty little balance. No, I made no settlements.
Q Made no settlement with the other minor children?
A No sir, We have been holding things a little in common.
Q Still holding the property in the same way?
A I suppose you might call it that way.

Q And you have the charge, have you?
A Well, no.
Q Well, through Dr. Fite?
A He is only a renter.

****

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Mabel F. Maxwell.

Subscribed and sworn to before me
this 30th day of July, 1903.

(SIGNED) Samuel Foreman.
Notary Public.

(SEAL)

MFM

****

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 20 day of August, 1903.

Charles H. Lawrence
Notary Public.

D E P A R T M E N T O F T H E I N T E R I O R

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16 1902.

In the matter of the application of Gilbert T. Thompson et al for enrollment as citizens of the Cherokee Nation.

Cherokee D. 3.

Motion to Reopen Case.

Comes now the representative of the Cherokee Nation, and upon examination of the testimony in the above case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the Commission that the applicants be again notified by the Commission to appear before the Commission at some convenient date for the purpose of giving additional testimony as to their residence prior to ~~xxxx~~ and on June 28th 1898 and subsequent thereto, in as much as we deem the testimony upon the question of residence insufficient in this case.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16th 1902.

Cherokee D 4.

In the matter of the application of Allison Thompson et al, for enrollment as citizens of the Cherokee Nation.

Motion to Re open case.

Comes now the representative of the Cherokee Nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the Commission that the applicant be again notified by the Commission to appear before the Commission at some convenient date for the purpose of giving additional testimony as to their residence prior to and on June 28th 1898 and subsequent thereto, xxxin as much as we deem the testimony upon the question of residence in sufficient in this case.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

IN DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16th 1902.

Cherokee D 5.

In the matter of the application of Ernest Thompson for enrollment as a citizen of the Cherokee Nation.

Motion to Reopen case.

Comes now the representative of the Cherokee Nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the Commission that the applicant be again notified to appear before the Commission at some convenient time for the purpose of giving additional testimony as to his residence prior to and on June 28, 1898 and subsequent thereto, inasmuch as we deem the testimony upon the question of residence insufficient in this case.

Respectfully,

W W Harting JCS

J. C. S.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16, 1902.

Cherokee D # 6.

In the matter of the application of James K. Thompson for enrollment as a citizen of the Cherokee nation.

Motion to Reopen case.

Comes now the representative of the Cherokee nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the commission that the applicant be again notified by the Commission to appear before the Commission at some convenient date for the purpose of giving additional testimony as to his residence prior to and on June 28th 1898 and subsequent thereto, in as much as we deem the testimony upon the question of residence insufficient, in this case.

Respectfully,

W W Hastings J C S

J. C. S.

Attorney for the Cherokee nation.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 17, 1903.

In the matter of the application of Gilbert T. Thompson, et al. for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, et al.,.....Cherokee D 3
Allison Thompson, et al.,.....Cherokee D 4
Ernest Thompson, et al.,.....Cherokee D 5

O R D E R.

Motions to reopen each of the above entitled cases for the purpose of introducing additional testimony as to the residence of the applicants therein, were filed with the Commission, October 16, 1902, for and in behalf of the Cherokee Nation.

No legal grounds for reopening said cases have been assigned in said motions and such testimony not being deemed necessary at this time, it is the opinion of this Commission that the motions to reopen said cases should be denied, and it is so ordered.

Commissioner.

Cherokee D 6.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, August 24, 1903.

In the matter of the application for the enrollment of James K. Thompson, et al. as citizens by blood of the Cherokee Nation.

ORDER.

A motion to reopen the above entitled case for the purpose of introducing additional testimony therein was filed with this Commission, on October 16, 1902, in behalf of the Cherokee Nation. No legal ground for reopening said case has been assigned in said motion and such additional testimony not being deemed necessary at this time, it is the opinion of this Commission that the motion to reopen said case should be denied, and it is so ordered.

Commissioner.

Office of Commission on Citizenship
Tahlequah, Cherokee Nation
September 3nd. A. D. 1883

No. 164	Gilbert Taylor Thompson Josephine A. Thompson, his wife Allison Thompson Ernest Thompson Milton Thompson James Thompson Cleo Thompson Gilbert Taylor Thompson Jr. vs. The Cherokee Nation.	Geo. O. Butler Atty. for Claimants

Petition filed September 3nd. 1883.
Case submitted by claimant September 4th. 1883
Case submitted by the Soliciter September 4th. 1883.

And now on this the 7th. day of September A. D. 1883 this case coming on for final hearing and all the evidence produced in the case on both sides having been carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission, that the above named claimants, Gilbert Taylor Thompson, Allison Thompson, Ernest Thompson, Milton Thompson, Cleo Thompson, James Thompson and Gilbert Taylor Thompson Jr. are Cherokees by blood and they are by virtue thereof entitled all the rights and privileges of Cherokee citizenship within the Cherokee Nation and that they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thos. Tehee, President of Com.
Alex. Wolf
T.F.Thompson } Commissioners.

D.W.C.Duncan
Clerk of Com.
Transcript furnished Claimants Sept. 11th. 1883
D.W.C.Duncan, Clerk of Com.

Executive Department Cherokee Nation
Tahlequah I.T. October 17, 1900
I hereby certify that the above and foregoing is a true and correct copy as shown by the Citizenship Record, page 171, now on file in this office.

J. T. Parks
Executive Secretary Cherokee Nation.

rrrr

To be filed in Cherokee D 3.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 24, 1905.

I, the undersigned, Secretary of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy of the original certificate of admission, now on file in the office of this Commission, in the case of Cleo F. Reid, et al., Cherokee D 181.

Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August 26, 1903.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr., et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,..	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

S U P P L E M E N T A L S T A T E M E N T.

An examination of the 1894 Cherokee strip payment roll shows that the applicants herein are identified on said roll as follows:

Gilbert T. Thompson, Sr.,.....	Cooweescoowee	District,	#4311
Gilbert T. Thompson, Jr.,.....	"	"	#4313
Matthew Thompson,.....	"	"	#4314
Allison Thompson,.....	"	"	#4308
Ernest W. Thompson,.....	"	"	#4309
Mamie Thompson,.....	"	"	#4310
Ernest Thompson,.....	"	"	#4306
Allison G. Thompson,.....	"	"	#4307
James K. Thompson,.....	"	"	#4316

Copies of this statement are ordered filed herein and made a part of the record in the above entitled cases.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 16 1902

MEMORANDUM OF AGREEMENT Made and entered into between Francis B. Fite, Agent of G. T. Thompson & Son, of the first part and Charles Hawkins of the second part, Witnesseth, That in consideration of the agreement and covenant hereinafter made, the party of the first part demises and leases unto the party of the second part all that farm and improvements known as "Squaw Holley Ranch", situated near the M. K. & T. Ry., between the towns of Pryor Creek & Adair, containing between 450 & 500 acres

And the said party of the second part stipulates that he will pay for land rented for the year 1897, the sum of $500.00 in cash. Said sum to be paid as soon as the said party of the second part can reasonably gather and sell his crops

It is further stipulated and agreed that said contract may be renewed each year for five consecutive years, each of said years and renewals to end on the 31st day of December. Said renewals to take effect without further covenant or agreement except that said contract may be terminated, and said right of renewal done away with and abrogated at the instance and desire of either party to this contract. But either party desiring not to renew said contract, but to abrogate the same must give the other party 60 days notice of his said intention and desire, otherwise said contract is to remain in full force and effect.

Said Fite further agrees to furnish the said Hawkins with stock-cattle of from one to two hundred head, the said Hawkins at his own expense to feed, care for and maintain said cattle as a compensation for which he is to have one-half of the net profit of said cattle, and at the termination or abrogation of this contract, he is to turn back to the said Fite the equivalent in number & value of the cattle originally turned over to him by the said Fite,

It is further agreed and understood between the parties hereto that the said party of the second part is to keep said place in good repair and is to make all reasonable and necessary improvements and all repairs at his own expense, furnishing all material of every kind and description, wherever the same may be

necessar to repair the fences around the fields, the said party of the first part is to furnish the material for that purpose. And the said Fite hereby agrees to give the said Hawkins orders upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in each case, the same ~~being~~ to be collected and to be a part of the rent of said place, during the whole time that the relation of landlord and tenant may exist between them. The said Hawkins stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

Witness our hands this ~~the~~ 28th day of July A.D. 1896.

The Contract is subject to Laws of the Cherokee Nation

T. P. Fite

Chas. Hawkins

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr. et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,..	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

D E C I S I O N.

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission, by Gilbert T. Thompson, Sr. for himself, his adult son, Gilbert T. Thompson, Jr., and his minor son, Matthew Thompson; by Allison Thompson for himself and his minor children, Ernest W. and Mamie Thompson; that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Allison Archibald Thompson, and the same is made a part of the record herein; by Ernest Thompson for himself and his minor children, Allison G., Ernest T. and Hugh C. Thompson; and by James K. Thompson for himself; and that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Joseph G. Thompson, and the same is made a part of the record herein. Copies of the testimony taken at Tahlequah, Indian Territory, July 28, 1903, in the case of Cleo T. Reid, et al. are made a part of the record herein.

The evidence shows that on September 7, 1883, the said Gilbert T. Thompson, Sr. and his sons, Allison Thompson, Ernest Thompson, James K. Thompson and Gilbert T. Thompson, Jr., were admitted, with others, as citizens by blood of the Cherokee Nation by the duly constituted authorities of said Nation; that the said Matthew Thompson was a minor, and is considered to have been a member of the family of his father, Gilbert T. Thompson, Sr., at the time of the latter's admission to citizenship; that all the said minor applicants herein are the descendants of said Gilbert T., Sr., Allison, Ernest and James K. Thompson respectively; and that all of

said descendants, except Matthew Thompson, were born since the admission of their said ancestors to citizenship, as above mentioned.

It further appears that all the applicants herein, except Allison Archibald, Ernest T., Hugh C. and Joseph G. Thompson, are identified on the 1894 Cherokee strip payment roll. The four minor applicants last mentioned are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Gilbert T., Sr., Allison, Ernest and James K. Thompson removed to and in good faith settled in the Cherokee Nation in 1883 and resided therein about one year; that about 1884 they left the Cherokee Nation and have not since that time and prior to June 28, 1898, resided in said Nation. It does not appear that they ever removed their effects from the Cherokee Nation, or became citizens of any other government. On the contrary, they have each retained interests in property in said Nation from 1883 up to the date of their applications herein. It is considered that the residence of said minor applicants has been the same as that of their said parents.

The evidence further shows that the said Gilbert T. Thompson, Jr. was a minor on June 28, 1898, and his residence up to and including said date is considered to have been the same as that of his father, Gilbert T. Thompson, Sr.

It is, therefore, the opinion of this Commission, following the decision of the Department in the cases of Joseph D. Yeargain, et al. (I. T. D. 2900-1903), and Martha Hill, et al. (I. T. D. 3886-1903), that the said Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., ~~Matthew Thompson, Allison Thompson, Ernest W. Thompson,~~ Mamie Thompson, Allison Archibald Thompson, Ernest Thompson, Allison G. Thompson, Ernest T. Thompson, Hugh C. Thompson, James K. Thompson and Joseph G. Thompson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO [redacted]IVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this OCT 28 [illegible]

Muskogee, Indian Territory, November 16,1903.

Cherokee D-3,4,5,6.

I hereby withdraw the protest of the Cherokee Nation heretofore filed against the decision of the Commission to the Five Civilized Tribes, dated October 28,1903, granting the application for the enrollment of Gilbert T., Sr., Gilbert T., Jr., Matthew, James K., Joseph G., Allison, Ernest W., Mamie, Allison A., Allison G., Ernest T. and Hugh C. Thompson as citizens by blood of the Cherokee Nation.

W. W. Hastings
Attorney for the Cherokee Nation.

A 193

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 10 1901

ACTING CHAIRMAN

Muskogee, Indian Territory, December 10th, 1901.

Mr. Gilbert T. Thompson,

Care of Milton K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

On Friday, May 11th, 1900, at Muskogee, Indian Territory, you made application to the Commission for the enrollment of yourself, your sons, Gilbert T. Thompson, Jr., and Matthew Thompson, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife, Josephine A. Thompson, as a citizen by intermarriage of the Cherokee Nation.

The testimony taken at that time is found to be incomplete, and you are desired to again appear before the Commission at Muskogee as soon as practicable after the 4th day of January, 1902, for the purpose of giving further testimony in the matter of your application.

Do not fail to give this matter your prompt attention, as your case cannot be proceeded with until further testimony is obtained.

Please present this letter when you appear before the Commission.

Yours truly,

Cherokee No. D.S and D.S. Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902 1902

Mr. Gilbert T. Thompson,

Adair, Indian Territory

Sir:

You are hereby notified that the application of yourself, Gilbert T. Thompson Jr. and Matthew Thompson

~~for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the~~ Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-3

Register.

Acting Chairman.

10706

Commission
ED BRIDGE
L. 1
12 1904
Counter

Cherokee R-848

Tahlequah, Indian Territory, August 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original card, jacket and record in the matter of the application of Cleo T. Reid et al., for enrollment as citizens by blood of the Cherokee Nation, Cherokee R-848. With the record is a copy of testimony taken July 28, 1903.

The case now appears to be complete and is transmitted to the office that a decision may be prepared therein.

Respectfully,

Clerk in Charge
Cherokee Land Office.

MYK
Enc. M-2147

Cherokee [illegible]
-6.

Muskogee, Indian Territory, October 20, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 22, 1906, in the consolidated case of Gilbert T. Thompson, Sr., et al., granting the applications for the enrollment of Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew, Allison, Ernest W., Mamie, Allison Archibald, Ernest, Allison G., Ernest T., Hugh C., James K. and Joseph G. Thompson as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed

-2-

This decision will be considered final.

Respectfully,

T. D. Nesbiss

Sec. Int. Superintendent in Charge.

COPY.

Cherokee B-8.

Muskogee, Indian Territory, November 16, 1906.

Gilbert T. Thompson, Sr.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 28, 1906, granting, among others, your application for the enrollment of yourself and your two minor children, Gilbert T., Jr., and Matthew Thompson, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Chairman.

Register.

Enc. V-4.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

7

7

Cher 10344

Allison Thompson

Trans from D4

Cher 10344

May 14th, 19[illegible].

In the matter of the application of Allison [illegible] for enrollment as a citizen of the Cherokee Nation, [illegible] examined by Commissioner Wolfenson he testifies as follows:

Q What is your name? A Allison [illegible].
Q How old are you? A [illegible] Texas, I am teaching school there.
Q Where were you born and raised? A [illegible]
Q When did you come to the Nation? A [illegible]
Q How long [illegible] and went out to school and stayed [illegible], [illegible] have been teaching in the [illegible], Texas ever since.
Q You have not resided in the territory then since [illegible]? A No sir, I have not been a resident; I have had property here [illegible] the time and I always come in [illegible] and voted.
Q What property? A Ranch property up here in [illegible] District and cattle and horses, and at Tahlequah too. I have [illegible] property there.
Q Have you any family? A Yes sir.
Q What family? A A wife and two children.
Q What is your wife's name? A Mamie A. She is my second.
Q What is her age? A She is twenty-seven.
Q Is she a white woman? A Yes sir.
Q Where were you married? A In Mississippi.
Q Has she ever lived in the territory? A No sir.
Q Select or intermarried? A No sir.
Q Have you any other children? A [illegible]
Q What is the name of the oldest? A Ernest [illegible].
Q How old? A [illegible] years old.
Q [illegible] No sir.

FILED
JUN 1 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

K 9
-D

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Allison Thompson for enrollment as a citizen of the Cherokee Nation; being sworn and examined by Commissioner McKennon he testifies as follows :

Q What is your name? A Allison Thompson.
Q How old are you? A Thirty-four.
Q Where do you live? A At Sherman, Texas; I am teaching school there.
Q Where were you born and raised? A I was born in Georgia.
Q When did you come to the Territory? A In 1883.
Q How long did you remain here? A I must remained here one year, and then went off to school and staid four years, and I have been teaching in Sherman, Texas ever since.
Q You have not resided in the Territory then since 1883? A No sir, I have not been a resident; I have had property here all the time, and I always come up here and vote.
Q What property? A Ranch property up here in Goodwater and District and cattle and horses, and at Tahlequah too, I have taken 320 over there.
Q Have you any family? A Yes sir.
Q What family ? A A wife and two children.
Q What is your wife's name A Mamie A. She is my second wife.
Q What is her age? A She is twenty-seven.
Q Is she a white woman? A Yes sir .
Q Where were you married? A In Mississippi.
Q Has she ever lived in the Territory? A No sir.
Q Never been here? A No sir.
Q Have you got some children? A I have two.
Q What is the name of the oldest? A Ernest W.
Q How old? A He is eight years old.
Q Did he ever live here? A No sir.
Q Your next one? A Mamie.
Q How old is she? A Seven.
Q She ever live here? A No sir.
Q The mother of these children is dead is she? A Yes sir.
Q Was she a white woman? A Yes sir.
Q Where did you marry her? A In Sherman, Texas.
Q Was your mother Cherokee? A No sir, my father was Cherokee, my mother was white.

Commissioner McKennon:

Mamie Thompson, Sherman, Texas.

Your enrollment as an intermarried Cherokee is refused, because you have never resided in the Cherokee Nation.

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Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, under my official oath as stenographer to above named Commission, that this transcript is a true, full and correct transcript of my stenographic notes.

[signature]

FILED
MAY 11 1960

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

All We

Date May 11 1900.

Name Allison Thompson

District Ca Year 94 Page 317 No. 4308

Citizen by blood yes Mother's citizenship ~~Dakin~~ White

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Ernest W. Thompson	Dist. Ca	Year 94	Page 317	No. 4309	Age 8
Mamie	Dist.	Year	Page	No. 4310	Age 7
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 On roll Earnest W. Thompson

See testimony of Allison Thompson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 17th, 1900.

-----o-----o-----

in the matter of the application for enrollment as a Cherokee Citizen by
Gilbert T. Thompson.

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Mr. Gilbert T. Thompson, being duly sworn, made the following statement, in addition to testimony already taken:

Capt. McKennon: You may just state anything you want to say now.

A - The statement I wish to make is this; that we felt all the while that we were complying with the Cherokee law in regard to maintaining our citizenship. We would have lived here, only that our profession took us out. We had no charge of our denomination here and couldn't get any work. Myself and two sons are ministers and we had no work to keep us here. We maintained our property right and our citizenship as to voting nowhere else except here, and we felt that we had complied with the law in that particular. If at any time we could have gotten work here in the Cherokee Nation in our church, or even in the Northern branch of the Presbyterian Church, we would have moved here. According to the agreement between the Northern and Southern churches, we occupy the Choctaw and the Chickasaw, and the Northern preachers occupy the Creek Nation and the Cherokee and the Seminoles. That is the agreemtn between us, just as we do in foreign countries. Owing to the fact it has been impossible for me to get work here. The Northern brethren always give their own applicants the preference, and it has just kept us out in that way, but we have from time to time visited the Nation and voted in the Nation and maintained our property rights all the while.

Mr. Bixby: What do you mean by maintaining your property rights?

A - We understand that when one moves out of the Nation with their effects that they forfeit citizenship, but we did not move our effects, that is our property.

Q - You have a farm here? A - Yes, sir.

Q - What personal property have you in the Cherokee Nation; any personal property?

A - We have cattle and horses and things of that kind, and farm implements.

Q - You own a farm stocked with cattle and horses?

A - Yes, sir, most of the while we have had it stocked. Sometimes we would run out of cattle to a limited extent, but we had a few all the time.

Q - When you would come back to the Nation do you go to this place and live there?

A - Yes, sir, every time we come back we go there and remain there the while. Of course I can't say that we lived there in the sense that one would live a month or two or three, but we would stay a week or ten days; that is about all the living we did there.

Q - How did you first become a citizen of the Cherokee Nation?

A - Regularly before a citizenship court or commission, I don't remember the technical name, of the Cherokee Nation.

Q - How many years ago? A - 17 years ago, in August or September. The record will show.

Q - How much of that 17 years have you lived in the Cherokee Nation?

A - I can't say that we have lived here more than about a year and a half, I have stayed here and worked here. I preached one year at Tahlequah, had charge of the Presbyterian Church there.

Q - How long is it since you have been here preceding this trip?

A - It has been about three years; but I would have been here every year, but I suppose you know that ministers are poorly paid and have no money to travel on. It would suit me very well to come here every year, but our work is such we can't live here and not having the money to travel on we couldn't come just when we would like to.

Capt. McKennon: You are a minister of the Presbyterian Church, how long have you been?

A - Been a minister of the Presbyterian Church I suppose 25 or 30 years.

Q - Continuously in the ministry?

A - I haven't done a thing but preach the Gospel.

Q - You have two sons who are ministers too? A - Yes, sir.

Q - How long have they been preaching?

A - One of them has been preaching about ten years, and the other about four.

Q - They have regular charges, have they? A - Yes, sir.

Q - During all that time?

A - Yes, sir, all the while and they were in school; they had to go to a seminary and colleges, and they both made trips to Europe to school, they studied in Edinburgh during a year, and the youngest one has just returned a few months ago. The church gave him the vacation and he has gone back to work. The spirit of the government of the Presbyterian Church requires all of the ministers to keep at work. We have to have churches, and report twice a year where we are and what we are doing, and we do not allow any idlers in our church or any local preachers. We require all to have churches and we have tried to comply with the requirements of our church and also as we understood it, the laws of the Nation, in maintaining our rights. If we have failed, we didn't aim to do it.

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Bruce G. Jones, being duly sworn, says that as Stenographer

to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a true and complete transcript of his stenographic notes.

(Signed) Bruce C. Jones.

Subscribed and sworn to before me this 17th day of May, 1900.

(Signed) A. S. McKennon , Com'r.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this 14th day of November, 1903.

Edward Merrill
Notary Public.

M. D. Green being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 4, 1902.

signed, T. B. Needles,
Commissioner.

I, the undersigned, is stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

File in C D #3, #4, #5.

Cherokee D - 6

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 4, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen by blood of the Cherokee Nation.

Appearances:

Applicant in person.
W. W. Hastings of attorneys for Cherokee Nation.

JAMES K. THOMPSON, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A James K. Thompson.
Q How old are you? A 28
Q What is your post office address? A Muskogee, I think it was down there before as Adair, but I am living here now; I have charge of the Presbyterian Church, regular pastor.
Q Did you appear before the Commission in 1900, May and make application for the enrollment of yourself as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A G. T. Thompson.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Josephine A. Thompson.
Q Is she living? A Yes sir.
Q You claim a right to enrollment through your father or through your mother? A Through my father.
Q Where were you born? A Born at Tunnell Hill, Georgia.
Q How long did you continue to reside there after your birth?
A I dont know exactly, father moved to Tennessee when I was quite a small boy, infant.
Q How long did you reside in Tennessee? A Until '82 I believe it was.
Q Then did you come to the Cherokee Nation? A Yes sir.
Q Were you admitted to citizenship in the Nation by an Act of the Cherokee National Council? A Yes sir; I dont remember, I was only a vboy then, possibly about '83, I was about 9 or ten years old I think.

BY COMMISSION: It appears from the records of the Cherokee Nation that the applicant and his father were admitted to citizenship in the Cherokee Nation on the 4th day of September 1883, by an act of the Cherokee Commission on Citizenship

Q How long did you continue to reside in the Cherokee Nation after you were admitted to citizenship? A I dont know just how long father was here possibly about a year.
Q Where did you go then? A He went to Springfield, Mo.
Q Did you go with him? A Yes sir, yes I was a minor you see and had to; it was the only thing I could do.
Q How long did you reside at Springfield, Mo?
A Stayed there I think about four years.
Q Then where did you go? A He went and we went with him to Texas to McKinney, Texas; he was a minister you know, and was called to t the church at McKinney, and I was about 14 I think at the time.
Q How long did you reside in Texas? A He stayed there for two, three, I thinkthat time about three years.
Q Did you accompany him when he left Texas? A He left us in College at Sherman.
Q At Sherman Texas? A Yes sir.
Q How long did you continue to attend school there? A I stayed

there for one year after father left. I was then just eighteen years old.
Q Where did you go then? A I went to Kentucky and attended school there.
Q When did you finish your school? A My schooling in my seminary course in May 1896.
Q Did you attend school again after that? A Yes sir, I went abroad for a while in Scotland.
Q When did you return to this country? that is to the United States? A I came back in March, May, April just about two years ago.
Q You had then reached your majority? A Yes.
Q How old were you at that time? A I was a little past 26.
Q Had you been attending school continuously since the time your left your father there in Sherman, Texas, or up until the time you returned from Scotland? A Well with a little intermission while I was supplying the church in Texas. I was simply a stated supply looking to my final settlement in this country, but I was doing church work off and on. I had'nt completed it.
Q When was the first time you came to the Cherokee Nation after your admission in '83? A You mean to live?
Q Yes, when did you come back; how long have you been here the last time? A Oh I have been here simply a month, to live; I came here January 1st.
Q Where did you come from? A I came from Calvert, Texas.
Q Have you attended school any since your return from Scotland?
A No sir.
Q You have been a minister since that time? A Yes sir. In my profession we go where we are called, and as soon as I was called to the Nation- of course it is in the Creek Nation, I accepted; I am in charge of the Presbyterian church.
Q As a matter of fact you have never resided in the Cherokee Nation since your admission, up until the present time? A No sir, when the 1896 roll was made I was stated supply in the church at Texarkana, Arkansas, and I knew nothing about any roll; I came immediately from the Seminary.

1896 roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1894 pay roll of citizens of the Cherokee Nation examined and applicant identified thereon. On page 317, #4316, James K. Thompson, Ceowseecowee District.

BY MR. HASTINGS:

Q Are you married? A Yes sir.
Q How long have you been married? A I have been married two years, let's see, married the 3d day of October 1899.
Q Two years last October? A Yes sir.
Q Where were you married? A Married in Texas. Where I was preaching at the time. Calvert Texas.
Q You came here the first of January to the Creek Nation, Muskogee?
A Yes sir.

BY THE COMMISSION: On the 11th day of May, 1900 James K Thompson came before the Commission and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The testimony taken at that time was found to be incomplete, and the applicant this day appears and gives further testimony in regards his application.

It appears from the records of the Cherokee Nation that he was duly admitted to citizenship by an act of the Cherokee National Council on the 4th day of September, 1883; it appears from the testimony that he only resided in the Cherokee Nation one year since

quent to his admission to citizenship, since which time he has not resided in the Cherokee Nation.

He returned to the Indian Territory in January 1902, and since that time has resided in Muskogee, Indian Territory. He is not identified on the Cherokee census roll of 1896, but is duly identified on the pay roll of 1894. Notwithstanding of the fact that the applicant has not resided in the Cherokee Nation since his admission to citizenship, final judgment as to his application will be suspended and his name will remain on doubtful card #6. The final decision of the Commission will be made known to the applicant when the case is considered.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 4, 1903.

signed, T. B. Needles,
Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Della Martin

File in C D # 3, # 4, # 5.
"R"
Cherokee D. - 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 14, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a Cherokee citizen.

Appearances:

Applicant in person.

JAMES K. THOMPSON; being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.
Q How old are you? A 28
Q What is your post office address? A Muskogee.
Q You are an applicant before this Commission for enrollment as a Cherokee? A Yes sir.
Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February 19 o2, "Q As a matter of fact you have never resided in the Cherokee Nation since your admission, up until the present time?" You answered, "No sir. When the 1896 roll was made I was a stated supply in the Church at Texarkana, Arkansas, and knew nothing about any roll; I came immediately from the seminary."
A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an Act of the Council; I was a minor at the time, of course dont remember the exact transaction, but I was admitted along with the family, father's family, and he resided for twelve months in the Territory, in the Cherokee Nation at Tahlequah.
Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was still a minor; while I was here I attended the male school at Tahlequah in the Indian Territort.
Q That was in about '83 or '84? A '83, yes sir; it was the fall of '83 or '84.
Q Any other statement you desire to make? A No, I think, yes the point with regard to the establishing of our home, when we established our citizenship to forsee that we were establishing our home- and when I individually went away I knew nothing about the whys and wherefores, I knew nothing about it; I was nine years old. And I have always felt as I grew up to manhood that I would return to take up my interest.
Q You submit this case now to the Commission for final consideration.
A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green

Subscribed and sworn to be ore me this Febury 17, 1902.

signed, T. B. Needles, Commissioner.

I, the Undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a correct copy of the original transcript.

Ella Milburn

SUPPLEMENTAL TESTIMONY AND DOCUMENTS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
Milton K. Thompson, for the applicants,
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a memorandum of an agreement made and entered into by and between Frank T. Pite, agent of G. T. Thompson and sons, of the first part and Charles Hawkins, of the second part, bearing date of July 26, 1896, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James M. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

File with Cherokee D- 4, Allison Thompson.

vs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 18,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
Milton K. Thompson, for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a memorandum of an agreement made and entered into by and between Francis B. Fite, agent of G. T. Thompson and sons, of the first part, and Charles Hawkins, of the second part, bearing date of July 28, 1896, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James M. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

I. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

I. D. Green

Subscribed and sworn to before me this February 21,19 2.

Tams Bixby

Commissioner.

hereto that the said party of the second part is to keep said place in good repairs and is to make all reasonable and necessary improvements and all repairs at his own expense, furnishing all material of every kind and description, except that where it is necessary to repair the fences around the fields, the said party of the first part is to furnish the material for that purpose. And the said Fite hereby agrees to give the said Hawkins orders upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in ea each case, the same to be collected and to be a part of the rent of said place, during the whole time that the relation of landlord and tenant may exist between them. The said Hawkins stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

4

47

File with C D #4 #5 #6

MEMORANDUM OF ARGUMENT Made and entered into between Francis B. Fite Agent of G. T. Thompson & Sons, of the first part, and Charles Hawkins of the second part, Witnesseth, That in consideration of the agreement and covenant hereinafter made, the party of the first part demises and leases unto the party of the second part all that farm and improvements known as "Squaw Hollow Ranch", situated near the M. K. & T. Ry., between the towns of Pryor Creek & Adair, containing between 450 and 500 acres in cultivation.

And the said party of the second part stipulates that he will pay for land rented for the year 1897, the sum of $500.00 in cash. Said sum to be paid as soon as the said party of the second part can reasonably gather and sell his crops. All to be paid by Dec. 31 of each year.

It is further stipulated and agreed that said contract may be renewed each year for five consecutive years, each of said years and renewals to end on the 31st day of December. Said renewals to take effect without further covenant or agreement except that said contract may be terminated, and said right of renewal done away with and abrogated at the instance of desire of either party to this contract. But either party desiring not to renew said contract, but to abrogate the same must give the other party 60 days notice of his said intention and desire, otherwise said contract is to remain in full force and effect.

Said Fite further agrees to furnish the said Hawkins with stock-cattle of from one to two hundred head, the said Hawkins at his own expense to feed, care for and maintain said cattle as a compensation for which he is to have one-half of the net profit of said cattle, and at the termination or abrogation of this contract, he is to turn back to the said Fite the equivalent in number and value of the cattle originally turned over to him by the said Fite. A ll cattle on said place to belong to F. M. Fite.

It is further agreed and understood between the parties

hereto that the said party of the second part is to keep said place in good repairs and is to make all reasonable and necessary improvements and all repairs at his own expense, furnishing all material of every kind and description, except that where it is necessary to repair the fences around the fields, the said party of the first part is to furnish the material for that purpose. And the said Fite hereby agrees to give the said Hawkins orders upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in ea each case, the same to be collected and to be a part of the rent of said place, during the whole time that the relation of landlord and tenant may exist between them. The said Hawkins stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

Witnessour hand this the 28th day of July A. D. 1896.

signed, F. B. Fite.

This contract is subject to laws of the Cherokee Nation.

signed, Chas. Hawkins.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

Ella Midkiff

84

IN RE

Application for Enrollment of

INFANT CHILD

Allison A Thompson

as a citizen of

Cherokee Nation.

Approved 190

T. B. Buckingham

Commissioner.

D 4

IN RE

Application for Enrollment of

INFANT CHILD

Allison A Thompson

as a citizen of

Cherokee Nation.

Approved Oct 31 1902

T. B. Bruce

Commissioner.

MAILED

OCT 31 1902

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Allison Archibald Thompson (Here insert name of child) born on the 9 day of March, 1902

Name of Father: Allison Thompson a citizen of the Cherokee Nation.

Name of Mother: Mamie J. Thompson a citizen of the U S ~~Nation.~~

Post-office Wagoner Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.
INDIAN TERRITORY
District.

I, Mamie J Thompson, on oath state that I am 29 years of age and a citizen, ~~by~~ of the U S ~~Nation;~~ that I am the lawful wife of Allison J Thompson, who is a citizen, by blood, of the Cherokee Nation; that a male (male or female) child was born to me on 9 day of March 1902; that said child has been named Allison Archibald Thompson, and is now living.

Mamie J Thompson

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* June 1902.

C E Adkins
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY
District.

I, [illegible], a Physician, on oath state that I attended on Mrs. Mamie J Thompson wife of Allison J Thompson on the 9 day of March, 1902; that there was born to her on said date a male (male or female) child, that said child is now living and is said to have been named Allison Archibald Thompson

H. F. [illegible] M.D.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* [illegible] 1902.

C E Adkins
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16th 1902.

Cherokee D 4.

In the matter of the application of Allison Thompson et al, for enrollment as citizens of the Cherokee Nation.

Motion to Re open case.

Comes now the representative of the Cherokee Nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the Commission that the applicant be again notified by the Commission to appear before the Commission at some convenient date for the purpose of giving additional testimony as to their residence prior to and on June 28th 1898 and subsequent thereto, inasmuch as we deem the testimony upon the question of residence in sufficient in this case.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

204

JUL 1 1901

Brief report 30th day of May 1903.

Milner, Street & Ramsey,
Real Estate, Loan and Insurance Agents.

B. S. Milner
J. W. Street.
S. P. Ramsey.

Cleburne, Texas, May 30th, 1903. 190

To Whom It May Concern:-

This is to certify that I, Allison Thompson, have never had any intention or idea of giving up my citizenship in the I.T., Cherokee Nation; that I have from time to time, since coming of age, voted in the National elections, as the records at Pryor Creek and Brushy mountain will show; that I have visited the Nation two or three times each year for the purpose of looking after my own and the interests of my Father and Brothers and Sister; that I have never been without real or personal property in the Nation since attaining my majority; that even before my graduation from college in 1888, I was called by the Presbyterian Church to take charge of the Chair of Latin in Austin College, Sherman Texas, which position I held continuously for 12 years, considering that I was doing th e work of the church in helping to build up a Christian College in Texas, but at no time did I abandon the idea of making my ultimate home in the Cherokee Nation, I.T.; that I have closely and persistently kept up with affairs in the Territory and have always considered it my home and myself a citizen.

Witness my hand and seal this 30th day of May 1903.

Allison Thompson.

State of Texas,
County of Johnson. Before me B S Milner a Notary Public in and for the county of Johnson, State of Texas, on this day personally appeared Allison Thompson known to be the person, whose name is subscribed to the forgoing instrument, who being by me duly sworn, deposes and says that the facts set out therein are, within knowledge of the affiant, true.

Signed and sworn to at Cleburne, Texas, this 30th day of May 1903.

B S Milner a Notary Public in and for Johnson County Tex

D4.

1 1 1900

We the Undersigned do hereby appoint Allison Thompson manager of our Agnew Stallion Ranch & Farm in the Indian Territory, and further agree that all necessary expenses incurred by said Allison Thompson ~~in management of said farm~~ & ranch be paid from income arising from said Farm & Ranch. Witness our hands this the 29th Day of Nov. 1893

G. J. Thompson
Milton Thompson
J. C. Thompson.
Ernest Thompson

Q Prior to 1864 did you own any property in the Cherokee Nation

To [illegible] that some [illegible], did you own in

AUG 2 1903

[illegible]

Cherokee D-4

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., July 28, 1903.

In the matter of the application of Allison Thompson for the enrollment of himself and his children, Earnest W., Mamie and Allison Archibald Thompson, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ALLISON THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Allison Thompson.
Q How old are you? A 37.
Q What is your postoffice address? A Cleburne, Texas, for the present.
Q Are you an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes.
Q You were admitted to citizenship in '83, were you not? A Yes sir.
Q How long did you live here at that time? A About a year; I came in June.
Q Left in '84? A Yes sir.
Q When did you return to the Cherokee Nation again. A Well, I never have made my home here.
Q Do you wish to make any statement regarding your absence from the Cherokee Nation, or affecting your residence here?
A Well, I left here to go to school and I was in college four years; left here in '84 and attended school at Springfield, Missouri; four years in college. Before leaving Springfield I was elected as a teacher in Austin College, Sherman, Texas, Presbyterian School and I taught there for twelve years. Then I taught at Calvert, Texas two years. Since then I have had nothing permanent, just temporary, like at Cleburne; not even keeping house. During all the time I was at Sherman, Texas, I considered my citizenship in the Cherokee Nation, coming up here for elections and voting and spending from one to three months every year, looking after the ranch in Cooweescoowee, and as I said, I always owned property here, except at the present time I have'nt anything to amount to. And I have an interest in the ranch, not only by being a son of my father, but having paid money into it. So that I have always had an interest here ever since I came to the Territory; and I don't vote in Texas.
Q Have you ever voted in any place except the Cherokee Nation?
A Well no, not in regular election.
Q What election, if any, did you vote in? A I don't remember of any. I have been particular on that point because I used to think that if a person voted on the outside he would lose his citizenship. I have never taken any interest in politics in Texas for that reason.
Q Have you ever intended to abandon the Cherokee Nation as a home? A Never have, and have been working the last ten years to get a position here. I have taught school in the nation.

By J. C. Starr:

Q How much money have you put into the farm in the Cherokee Nation? A Well, In actual money, I put $500 at one time.
Q When was that? A In '94. We had paid in money before that but no definite amount. I bought an interest in the Squaw Hollow Ranch and paid for it; I put $500 into it and then I paid the balance in renting out the place and taking the rents to pay the notes; renting it and paying the notes.
Q Do you own this place in individual right? A No, it is the place owned by the family; we have a written agreement.
Q Prior to 1894 did you own any property in the Cherokee Nation in your own name? A Well, I had some cattle, not any land in my own name, but cattle.
Q How many cattle did you have? A Some 15 or 20.
Q How long did you own them? A Several years.
Q When did you acquire them? A When I lived here in '84.
Q How long did you keep them? A I had them in charge of Dr. Fite here; they were here several years.
Q What became of them? A He paid me for them finally.
Q Sold them to him? A Yes sir.
Q How long ago has that been? A As near as I can recollect it was about '95 or '6.
Q When you made these trips to the nation, did your wife come with you? A No sir.
Q Keeping house there? A No, boarding.
Q Have you been keeping house there? A No sir, boarded.
Q Have you ever lived in the Cherokee Nation since 1884?
A No, I have never resided here. I have spent from one to three months here nearly every year since I left, either on the ranch or at Muskogee.

++++++++++++++++++

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me this
30th day of July, 1903.

Samuel Tonnacliff

Notary Public.

KOW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 17, 1903.

In the matter of the application of Gilbert T. Thompson, et al. for enrollment as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, et al.,.....Cherokee D 3
Allison Thompson, et al.,.....Cherokee D 4
Ernest Thompson, et al.,.....Cherokee D 5

ORDER.

Motions to reopen each of the above entitled cases for the purpose of introducing additional testimony as to the residence of the applicants therein, were filed with the Commission, October 16, 1902, for and in behalf of the Cherokee Nation.

No legal grounds for reopening said cases have been assigned in such motions and such testimony not being deemed necessary at this time, it is the opinion of this Commission that the motions to reopen said cases should be denied, and it is so ordered.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August 26, 1903.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr., et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,..	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

S U P P L E M E N T A L S T A T E M E N T.

An examination of the 1894 Cherokee strip payment roll shows that the applicants herein are identified on said roll as follows:

Gilbert T. Thompson, Sr.,.....	Cooweescoowee	District,	#4311
Gilbert T. Thompson, Jr.,.....	"	"	#4312
Matthew Thompson,.....	"	"	#4314
Allison Thompson,.....	"	"	#4308
Ernest W. Thompson,.....	"	"	#4309
Annie Thompson,.....	"	"	#4310
Ernest Thompson,.....	"	"	#4304
Allison G. Thompson,.....	"	"	#4303
James K. Thompson,.....	"	"	#4316

Copies of this statement are ordered filed herein and made a part of the record in the above entitled cases.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.P.T.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr. et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,...	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

D E C I S I O N.

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission, by Gilbert T. Thompson, Sr. for himself, his adult son, Gilbert T. Thompson, Jr., and his minor son, Matthew Thompson; by Allison Thompson for himself and his minor children, Ernest W. and Mamie Thompson; that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Allison Archibald Thompson, and the same is made a part of the record herein; by Ernest Thompson for himself and his minor children, Allison G., Ernest T. and Hugh G. Thompson; and by James K. Thompson for himself; and that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Joseph G. Thompson, and the same is made a part of the record herein. Copies of the testimony taken at Tahlequah, Indian Territory, July 26, 1906, in the case of Cleo T. Reid, et al. are made a part of the record herein.

The evidence shows that on September 7, 1885, the said Gilbert T. Thompson, Sr. and his sons, Allison Thompson, Ernest Thompson, James K. Thompson and Gilbert T. Thompson, Jr., were admitted, with others, as citizens by blood of the Cherokee Nation by the duly constituted authorities of said Nation; that the said Matthew Thompson was a minor, and is considered to have been a member of the family of his father, Gilbert T. Thompson, Sr., at the time of the latter's admission to citizenship; that all the said minor applicants herein are the descendants of said Gilbert T., Sr., Allison, Ernest and James K. Thompson respectively; and that all of

said descendants, except Matthew Thompson, were born since the admission of their said ancestors to citizenship, as above mentioned.

It further appears that all the applicants herein, except Allison Archibald, Ernest T., Hugh C. and Joseph G. Thompson, are identified on the 1894 Cherokee strip payment roll. The four minor applicants last mentioned are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Gilbert T., Sr., Allison, Ernest and James K. Thompson removed to and in good faith settled in the Cherokee Nation in 1883 and resided therein about one year; that about 1884 they left the Cherokee Nation and have not since that time and prior to June 28, 1898, resided in said Nation. It does not appear that they ever removed their effects from the Cherokee Nation, or became citizens of any other government. On the contrary, they have each retained interests in property in said Nation from 1883 up to the date of their applications herein. It is considered that the residence of said minor applicants has been the same as that of their said parents.

The evidence further shows that the said Gilbert T. Thompson, Jr. was a minor on June 28, 1898, and his residence up to and including said date is considered to have been the same as that of his father, Gilbert T. Thompson, Sr.

It is, therefore, the opinion of this Commission, following the decision of the Department in the cases of Joseph D. Yeargain, et al. (I. T. D. 2900-1903), and Martha Hill, et al. (I. T. D. 3886-1903), that the said Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew Thompson, Allison Thompson, Ernest W. Thompson, Mamie Thompson, Allison Archibald Thompson, Ernest Thompson, Allison G. Thompson, Ernest T. Thompson, Hugh C. Thompson, James K. Thompson and Joseph G. Thompson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this OCT 28 1903

COPY.

Muskogee, Indian Territory, November 16,1903.

Cherokee D-3,4,5,6.

I hereby withdraw the protest of the Cherokee Nation heretofore filed against the decision of the Commission to the Five Civilized Tribes, dated October 28,1903, granting the application for the enrollment of Gilbert T., Sr., Gilbert T., Jr., Matthew, James K., Joseph G., Allison, Ernest W., Mamie, Allison A., Allison G., Ernest T. and Hugh G. Thompson as citizens by blood of the Cherokee Nation.

W. W. Hastings
Attorney for the Cherokee Nation.

No. D4

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 10 1901

ACTING CHAIRMAN

Muskogee, Indian Territory, December 10th, 1901.

Mr. Allison Thompson,

Care of Milton K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

On Friday, May 11th, 1900, at Muskogee, Indian Territory, you applied for the enrollment of yourself and your two children, Ernest W. Thompson and Mamie Thompson, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife, Mamie Thompson, as a citizen by intermarriage.

The testimony taken at that time is found to be incomplete, and you are desired to again appear before the Commission at Muskogee as soon as practicable after the 4th day of January, 1902, for the purpose of giving further testimony in the matter of your application.

Do not fail to give this matter your prompt attention, as your case cannot be proceeded with until further testimony is obtained.

Please present this letter when you appear before the Commission.

Yours truly,

Commissioner in Charge.

Cherokee No. B.4. and N.4.

FILED
JAN 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902 1902

Alliston Thompson, Esq.,

Sherman, Texas.

Sir:

You are hereby notified that the application of yourself, Ernest V. Thompson and Marie Thompson for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Cherokee 2-4
Enclosure.

Cherokee D-S-C-S
-6.

Muskogee, Indian Territory, October 29, 1908.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 28, 1908, in the consolidated case of Gilbert T. Thompson, Sr., et al., granting the applications for the enrollment of Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew, Allison, Ernest W., Mamie, Allison Archibald, Ernest, Allison S., Ernest T., Hugh C., James K. and Joseph S. Thompson as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed

COPY.

this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. D-33.

Commissioner in Charge.

COPY.

Cherokee D-4.

Muskogee, Indian Territory, November 16, 1903.

Allison Thompson,

Adair, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 28, 1903, granting, among others, your application for the enrollment of yourself and your three minor children, Ernest W., Annie and Allison A. Thompson, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.
Chairman.

Register.

Eng. V-8.

D 4

Allison Thompson, et al

Original testimony May 11, 1900 is not complete.

applicant notified to appear for further examination

J

Cher 10345

Ernest Thompson

Trans. from D5

Cher 10345

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 4 1900
Secretary

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of Ernest Thompson for enrollment as a Cherokee citizen; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Ernest Thompson
Q How old are you? A Thirty-two.
Q Where do you live? A Louisville, Kentucky.
Q Did ever you live in the Territory? A Yes sir.
Q When? A I came here in 1883.
Q How long did you remain here? A Until sometime in 1884 when I went to college.
Q About a year? A Yes sir.
Q Have you ever lived here since? A No sir, not any length of time.
Q Did you ever reside here at all since then? A No, not to make it my home; I have been here several times and staid a few weeks.
Q Have you any property in the Cherokee Nation? A Yes sir.
Q When did you acquire it? A Before I became of age; my father had property, and since then I have had an interest in a ranch here, and I have invested money myself.
Q In what? A In a piece of property, real estate, in Cherokee District.
Q When did you make that investment? A I don't remember just the date of that.
Q Well, the year? A I think it was some eight years ago or more, I don't remember the exact date.
Q Have you any family? A Yes sir.
Q Have you got a wife? A Yes sir.
Q What is her name? A Jimmie G. Thompson.
Q How old? A Thirty.
Q Is she a white woman? A Yes sir. I was a citizen when I married her.
Q Where did you marry her? A Pembroke, Kentucky.
Q Has she ever lived here? A No sir.
Q What is her post-office address? A Louisville, Kentucky.
Q Are you in business there? A I am a minister there.
Q What children have you? A Allison G.
Q How old is he? A Seven. Ernest T., 5 years old; Hugh G., 4 years old.
Q Have these children ever lived here? A No sir.
I have also had an interest in this property at Tahlequah with my brother, and I have never voted anywhere else, and I have been back here almost every year, but I have never lived here.

Commissioner McKennon:

Jimmie G. Thompson,
810 Hill St.,
Louisville, Kentucky.

Your enrollment as an intermarried Cherokee citizen is refused, because you have not resided in the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M O [illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES
Oklahoma Territory

FILED

MAY 11 [illegible]

— 58 —

18-

Statement of Applicant Taken Under Oath.

aurc CHEROKEES BY BLOOD AND ADOPTION.

Date May 11 1900.

3r Name Ernest Thompson

District Cas Year 1894 Page 321 No. 4386

Citizen by blood yes Mother's citizenship White

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

~~Married under what law~~ ~~Date of marriage~~

License Certificate

Names of Children:

Allison A. Thompson	Dist.	Year	Page 321	No. 4387	Age 7
1 Ernest T. "	Dist.	Year	~~Page~~	~~No.~~	~~Age 5~~
2 Hugh C. "	Dist.	~~Year~~	~~Page~~	~~No.~~	~~Age 4~~
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1/2 New born

20 A 11

IN RE

Application for Enrollment of

INFANT CHILD

Ernest L. Thompson

as a citizen of the

Cherokee Nation.

Approved, 190

Commissioner.

C.S.R. 46

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Cherokee Nation, of Ernest Trice Thompson (the name of child), born on the 2nd day of July, 1894

Name of Father: Ernest Thompson, a citizen of the Cherokee Nation.

Name of Mother: Jimmie G. Thompson, a citizen of the White Nation.

Postoffice, Adair, I. T.

Present address 510 Hill St. Louisville Ky.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Cherokee District,

I, Jimmie G. Thompson, on oath state that I am 30 years of age and a citizen, by birth, of the U. S. Nation; that I am the lawful wife of Ernest Thompson, who is a citizen, by Blood, of the Cherokee Nation; that a male (male or female) child was born to me on the 2nd day of July, 1894; that said child has been named Ernest Trice Thompson, and is now living.

Jimmie G. Thompson.

WITNESSES TO MARK (Must be two Witnesses)
May Gilbertson
David Young

Subscribed and sworn to before me this 18th day of July, 1900

M. Drumcannon
NOTARY PUBLIC
Jefferson Co. Ky. Commission expires Feby 24, 1902

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY
District.

I, F. L. Wisdom, a Physician, on oath state that I attended on Mrs. Jimmie G. Thompson, wife of Ernest Thompson, on the 2nd day of July 1894, and that there was born to her on said date a male child; that said child is now living and is said to have been named Ernest Trice Thompson.

F. L. Wisdom M.D.

WITNESSES TO MARK (Must be two Witnesses)

Subscribed and sworn to before me this 28th day of May, 1900

Eylmer
NOTARY PUBLIC

Marriage Certificate and Com. Genealogy [illegible]

No Letter

IN RE

Application for Enrollment of

INFANT CHILD

Hyte. Thompson

as a citizen of the

Cherokee Nation.

Approved 190

Commissioner.

QKR 95

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] Cherokee Nation.

of Hugh Charles Thompson [illegible] 29th [illegible] Jan [illegible] 196

Name of Father: Ernest Thompson [illegible] Cherokee Nation.

Name of Mother: Josephine F. Thompson [illegible] U. S. Nation.

Postoffice: Adair I.T.

Post office: 510 Walnut St. Louisville Ky.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Cherokee District

I, Josephine F. Thompson [illegible] state that I am 30 years of age and a citizen, by blood of the U. S. Nation; that I am the lawful wife of Ernest Thompson, who is a citizen, by Blood of the Cherokee Nation, that a male child was born to me on the 29th day of Jan [illegible] that said child has been named Hugh Charles Thompson, and is now living.

WITNESSES TO MARK

Josephine F. Thompson

(Witnesses)

Mary Greenstreet
Raine Young

Subscribed and sworn to before me this [illegible] 1903 [illegible]
H. Dunaway Notary Public
Sequoyah Co. I.T. Commission
Expires Feb 24, 1902

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District

I, F. L. Wisdom [illegible] Physician [illegible] on oath state that I attended on Mrs Josephine F. Thompson wife of Ernest Thompson on the 29th day of Jan [illegible] 196 [illegible] was born to her on said date a male [illegible] that said child is now living and is said to have been named Hugh Charles Thompson

WITNESSES TO MARK

F. L. Wisdom M.D.

(Witnesses)

Subscribed and sworn to before me this 28th day of [illegible] 1903

[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 17th, 1900.

In the matter of the application for enrollment as a Cherokee Citizen by
Gilbert T. Thompson.

Mr. Gilbert T. Thompson, being duly sworn, made the following statement, in addition to testimony already taken:

Capt. McKennon: You may just state anything you want to say now.

A - The statement I wish to make is this; that we felt all the while that we were complying with the Cherokee law in regard to maintaining our citizenship. We would have lived here, only that our profession took us out. We had no charge of our denomination here and couldn't get any work. Myself and two sons are ministers and we had no work to keep us here. We maintained our property right and our citizenship as to voting nowhere else except here, and we felt that we had complied with the law in that particular. If at any time we could have gotten work here in the Cherokee Nation in our church, or even in the Northern branch of the Presbyterian Church, we would have moved here. According to the agreement between the Northern and Southern churches, we occupy the Choctaw and the Chickasaw, and the Northern preachers occupy the Creek Nation and the Cherokee and the Seminoles. That is the agreemtn between us, just as we do in foreign countries. Owing to the fact it has been impossible for me to get work here. The Northern brethren always give their own applicants the preference, and it has just kept us out in that way, but we have from time to time visited the Nation and voted in the Nation and maintained our property rights all the while.

Mr. Bixby: What do you mean by maintaining your property rights?

A - We understand that when one moves out of the Nation with their effects that they forfeit citizenship, but we did not move our effects, that is our property.

Q - You have a farm here? A - Yes, sir.

Q - What personal property have you in the Cherokee Nation; any personal property?

A - We have cattle and horses and things of that kind, and farm implements.

Q - You own a farm stocked with cattle and horses?

A - Yes, sir, most of the while we have had it stocked. Sometimes we would run out of cattle to a limited extent, but we had a few all the time.

Q - When you would come back to the Nation do you go to this place and live there?

A - Yes, sir, every time we come back we go there and remain there the while. Of course I can't say that we lived there in the sense that one would live a month or two or three, but we would stay a week or ten days; that is about all the living we did there.

Q - How did you first become a citizen of the Cherokee Nation?

A - Regularly before a citizenship court or commission, I don't remember the technical name, of the Cherokee Nation.

Q - How many years ago? A - 17 years ago, in August or September. The record will show.

Q - How much of that 17 years have you lived in the Cherokee Nation?

A - I can't say that we have lived here more than about a year and a half, I have stayed here and worked here. I preached one year at Tahlequah, had charge of the Presbyterian Church there.

Q - How long is it since you have been here preaching this way?

A - It has been about three years; but I would have been here every year, but I suppose you know that ministers are poorly paid and have no money to travel on. It would suit me very well to come here every year, but our work is such we can't live here and not having the money to travel on we couldn't come just when we would like to.

Capt. McKennan: You are a minister of the Presbyterian Church, how long have you been?

A - Been a minister of the Presbyterian Church I suppose 25 or 30 years.

Q - Continuously in the ministry?

A - I haven't done a thing but preach the Gospel.

Q - You have two sons who are ministers too? A - Yes, sir.

Q - How long have they been preaching?

A - One of them has been preaching about two years, and the other about four.

Q - They have regular charges, have they? A - Yes, sir.

Q - During all that time?

A - Yes, sir, all the while and they were in school; they had to go to a seminary and colleges, and they both made trips to Europe to school, they studied in Edinburgh during a year, and the youngest one has just returned a few months ago. The church gave him the vacation and he has gone back to work. The spirit of the government of the Presbyterian Church requires all of the ministers to keep at work. We have to have churches, and report twice a year where we are and what we are doing, and we do not allow any idlers in our church or any local preachers. We require all to have churches and we have tried to comply with the requirements of our church and also as we understood it, the laws of the Nation, in maintaining our rights. If we have failed, we didn't aim to do it.

Bruce C. Jones, being duly sworn, says that as Stenographer

to the Commission to the Five Civilized Tribes, do reported in full the testimony of the above named witness, and that the foregoing is a true and complete transcript of his stenographic notes.

(Signed) Irene de Forest.

Subscribed and sworn to before me this 17th day of May, 1906.

(Signed) A. S. Mitchell, Secy.

H. E. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 16th day of December, 1906.

Edward Merrick

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

FILED
DEPARTMENT OF THE INTERIOR

File in C D # 3 # 4 # 5
Cherokee D - 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 4, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen by blood of the Cherokee Nation.

Appearances:

Applicant in person,
W. W. Hastings, of attorneys for the Cherokee Nation.

JAMES K. THOMPSON, being sworn and examined testified as follows:

Q What is your name? A James K. Thompson.
Q How old are you? A 28
Q What is your post office address? A Muskogee, I think it was down there before as Adair, but I am living here now; I have charge of the Presbyterian Church, regular pastor.
Q Did you appear before the Commission in 1900 and make application for yourself as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A G. T. Thompson.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Josephine A. Thompson.
Q Is she living? A Yes sir.
Q You claim a right for enrollment through your father or through your mother? A Through my father.
Q Where were you born? A Born at Tunnell Hill, Georgia.
Q How long did you continue to reside there after your birth? A I dont know exactly; father moved to Tennessee when I was quite a small boy, infant.
Q How long did you reside in Tennessee? A Until '82 I believe it was.
Q Then did you come to the Cherokee Nation? A Yes sir.
Q Were you admitted to citizenship in the Nation by an Act of the Cherokee National Council? A Yes sir, I dont remember, I was only a boy then, possibly about '83, I was about nine or ten years old I think.

BY COMMISSION: It appears from the records of the Cherokee Nation, that the applicant and his father were admitted to citizenship in the Cherokee Nation on the 4th day of September 1883, by an act of the Cherokee Commission on Citizenship.

Q How long did you continue to reside in the Cherokee Nation after you were admitted to citizenship. A I dont know just how long father was here possibly about a year.
Q Where did you go then? A He went to Springfield, Missouri.
Q Did you go with him? A Yes sir, yes, I was a minor you see and had to; it was the only thing I could do.
Q How long did you reside at Springfield, Missouri? A Stayed there I think about four years.
Q Then where did you go? A He went and we went with him to Texas, to McKinney, Texas; he was a minister you know and was called to the church at McKinney, and I was about 14 I think at the time.
Q How long did he reside in Texas? A He stayed there for two, three I think that time about three years.
Q Did you accompany him when he left Texas? A He left us in College at Sherman.
Q At Sherman, Texas? A Yes sir.
Q How long did you continue to attend school there? A I stayed there for one year after father left. I was then just eighteen years old.

Q Where did you go then? A I went to Kentucky and attended school there.
Q When did you finish your school? A My schooling in my seminary course in May 1896.
Q Did you attend school again after that? A Yes sir, I went abroad for a while in Scotland.
Q When did you r eturn to this country, that is to the United States?
A I came back in March, May, April, just about two years ago.
Q You had then reached your majority? A Yes.
Q How old were you at that time? A I was a little past 26.
Q Had you been attending school continuously from the time you left your father there in Sherman, Texas, up until the time you returned from Scotland? A Well with a little intermission while I was supplying the church in Texas. I was simply a stated supply looking to my final settlement in this country, but I was doing church work off and on. I had'nt completed it.
Q When was the frst time you came to the Cherokee Nation after your admission in '83?A You mean to live?
Q Yes, when did you come back, how long have you been here the last time? A Oh, I have been here simply a month, to live; I came here January 1st.
Q Where did you come from? A I came from Calvert, Texas.
Q Have you attended school any since your return from Scotland?
A No sir.
Q You have been a minister since that time? A Yes sir. In my profession we go where we are called, and as soon as I was called to the Nation- of course it is in the Creek Nation, I accepted; I am in charge of the Presbyterian Church.
Q As a matter of fact you have never resided in the Cherokee Nation since your admission? Up until the present time? A No sir, when the 1896 roll was made I was a stated supply in the church at Texarkana, Arkansas, and I knew nothing about any roll; I came immediately from the Seminary.

1896 roll of citizens of the Cherokee Nation examined and applicant n not identified thereon.
1894 pay roll of citizens of the Cherokee Nation examined and applicant identified thereon. On page 317, No 4316, James K. Thompson, Coweeta cowee District.

BY MR. HASTINGS:
Q Are you married? A Yes sir.
Q How long have you been married? A I have been married two years let's see, married the 3rd day of October, 1899.
Q Two years last October? A Yes sir.
Q Where were you married? A Married in Texas. Calvert, Texas, where I was preaching at the time.
Q You came here the first of January to the Creek Nation, Muskogee?
A Yes sir.

BY COMMISSION: On the 11th day of May, 1900, James K. Thompson came before the Commission and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The testimony taken at that time was found to be incomplete, and the applicant this day appears and gives fu rther testimony as regards his application.

It appears from the records of the Cherokee Nation that he was duly admitted to citizenship by an act of the Cherokee National Council on the 4th day of September, 1883; it appears from the testimony that he only resided in the Cherokee Nation one year subsequent to his admission to citizenship, since which time he has not resided in the Cherokee Nation.

He returned to the Indian Territory in January 1900, and since that time has resided in Muskogee, Indian Territory. He is not identified on the Cherokee census roll of 1896, but is duly identified on the pay roll of 1894. By reason of the fact that the applicant

has not resided in the Cherokee Nation since his admission to citizenship, final judgment as to his application will be suspended, and his name will remain on Doubtful card No. The final decision of the Commission will be made known to the applicant when the case is considered.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 4, 1902.

signed, T. B. Needles,
Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ella Wheeler

File in Doubtful Cherokee # 3, # 4, # 5.

Cherokee D. - 6

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 12, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen of the Cherokee Nation, by blood; being sworn and examined he testified as follows:

Appearances:
Applicant in persons.

BY COMMISSION:

Q What is your name? A James K. Thompson.
Q How old are you? A 28 years old.
Q What is your post office address? A Muskogee.
Q You were an applicant before this Commission for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q You desire to make a statement relative to your residence? A Yes
Q Just state briefly. A The fact that I have always considered the Indian Territory was my domicile and with that in view I have never at any time exercised the right of franchise in any of the States, though I am in my 29th year, feeling that that might jeopardize possibly the interest here which I considered always to be mine. Besides this, in 1894 I believe it was, the sum of money something over two hundred dollars that was paid to each of the Cherokee citizens, received by myself, was all turned back into the place for improvement, close to Adair in the Cherokee Nation, on improvements.
Q Have you anything else that you desire to state relative to your enrollment? A I think these two points cover all; only that I have looked forward always to coming back and had simply waited for an opportunity to come, and when the opportunity came I returned here, at the first opportunity.
Q I believe that the fact was brought out that you are a Minister of the Gospel? A Yes sir, being a minister of course I go where I have an opportunity to go and am sent; our church is'nt strong in the territory, relatively strong, of course, and the pulpits have all been filled, but now I am staying here permanently, it is of course supposed to be permanently depends on the church, at Muskogee as pa stor of the Presbyterian Church.

BY COMMISSION: This testimony will be filed and made part of the record in the Cherokee case No C D - 6.

M. D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Signed, M. D. Green.
Subscribed and sworn to before me this February 12, 1902.
Signed, T. B. Needles,
Commissioner

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a correct copy of the original transcript.

Tella Wiedeing

BY COMMISSION:

Q What is your name? A James K. Thompson.

Q How old are you? A 28

Q What is your post office address? A Muskogee.

Q You are an applic ant before this Commission for enrollment as a Cherokee? A Yes sir.

Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February 1902, Q "As a matter of fact you have never resided in the Cherokee Nation since your admission up until the present time?" You answered "No sir". "When the 1896 roll was made I was a stated supply in the Church at Texarkana, Arkansas and knew nothing about any roll; I came immediately from the seminary."

A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an act of the Council; I was a minor at the time, of course dont remember the exact transaction, but I was admitted along with the family, father's family, and he resided for twelve months in the Territory, in the Cherokee Nation at Tahlequah.

Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was with a stock while I was here I attended the male school at Tahlequah in the Indian Territory.

Q That was in about '83 or '84? A '83, yes sir; it was the fall of '83 or '84.

Q Any other statement you desire to make? A No, I think,-yes the point with regard to the establishment of our home, when we established our citizenship to foresee that we were establishing our home-and when I individually went away I knew nothing about the whys and wherefores, I knew nothing about it; I was nine years old. And I have always felt as I grew up to manhood that I would return to take up my interest.

Q You submit this case now to the Commission for final consideration A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

W. H. Brash being first duly sworn testified that as stenographer

File in C D #3, #4, # 5

"R"

Cherokee D - 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 14, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a Cherokee citizen.

Appearances:

Applicant, in person.

JAMES K. THOMPSON: being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.

Q How old are you? A 28

Q What is your post office address? A Muskogee.

Q You are an applic ant before this Commission for enrollment as a Cherokee? A Yes sir.

Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February 1902, Q "As a matter of fact you have never resided in the Cherokee Nation since your admission up until the present time?" You answered "No sir". "When the 1896 roll was made I was a stated supply in the Church at Texarkana, Arkansas and knew nothing about any roll; I came immediately from the seminary."

A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an act of the Council; I was a minor at the time, of course dont remember the exact transaction, but I was admitted along with the family, father's family, and he resided for twelve months in the Territory, in the Cherokee Nation at Tahlequah.

Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was still a minor; while I was here I attended the male school at Tahlequah in the Indian Territory.

Q That was in about '83 or '84? A '83, yes sir; it was the fall of '83 or '84.

Q Any other statement you desire to make? A No, I think,-yes the point with regard to the establishment of our home, when we established our citizenship to foresee that we were establishing our home- and when I individually went away I knew nothing about the whys and wherefores, I knew nothing about it; I was nine years old. And I have always felt as I grew up to manhood that I would return to take up my interest.

Q You submit this case now to the Commission for final consideration A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

signed, M. D. Green.

Subscribed and sworn to before me this February 17, 1902.

signed, T. B. Needles, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a full and correct copy of the original transcript.

Ella Midling

File with Cherokee D- 8, Ernest Thompson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children as Cherokee citizens.

APPEARANCES:
Milton K. Thompson, for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: There is offered in evidence a memorandum of an agreement made and entered into by and between Francis E. Fite, agent of G. T. Thompson and sons, of the first part, and Charles Hawkins, of the second part, bearing date of July 28, 1896, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony had in the matter of the application of James K. Thompson, son of Gilbert T. Thompson, be filed and made part of the record in doubtful case No. 3, being that of Gilbert T. Thompson, et al., doubtful case No.4, being that of Allison Thompson, et al., and doubtful case No.5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 21,1902.

Commissioner.

do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in each case, the same to be collected and to be a part of the rent of said place during the whole time that the relation of landlord and tenant may exist between them. The said Hawkins stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

Witness our hands this 2[illegible] day of July, A. D. 16[illegible]

This contract is subject to laws of the Cherokee Nation.

Signed, ----T. B. Fite.---------

Signed, Chas. Hawkins.---------

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes [illegible]

File with C D # 4, 55, &c.

MEMORANDUM OF AGREEMENT made and entered into between Francis M. Fite, agent of S. T. Thompson & Sons of the first part and Charles Hawkins of the second part, Witnesseth, That in consideration of the agreement and covenant hereinafter made, the party of the first part demises and leases unto the party of the second part all that farm and improvements known as "Squaw Hollow Ranch," situated near the M. K. & T. Ry., between the towns of Pryor Creek & Adair, containing between 450 and 500 acres in cultivation.

And the said party of the second part stipulates that he will pay for land rented for the year 1897, the sum of $500.00 in cash. Said sum to be paid as soon as the said party of the second part can reasonably gather and sell his crops, all to be paid by Dec. 31 of each year.

It is further stipulated and agreed that said contract may be renewed each year for five consecutive years, each of said years and renewals to end on the 31st day of December. Said renewals to take effect without further covenant or agreement except that said contract may be terminated, and said right of renewal done away with and abrogated at the instance and desire of either party to this contract. But either party desiring not to renew said contract, but to abrogate the same must give the other party 60 days notice of his said intention and desire, otherwise said contract is to remain in full force and effect.

Said Fite further agrees to furnish the said Hawkins with stock-cattle of from one to two hundred head, the said Hawkins at his own expense to feed, care for and maintain said cattle as a compensation for which he is to have one-half of the net profit of said cattle, and at the termination or abrogation of this contract, he is to turn back to the said Fite the equivalent in number and value of the cattle originally turned over to him by the said Fite. All cattle on said place to belong to F. M. Fite.

It is further agreed and understood between the parties hereto that the said party of the second part is to keep said place

in good repair and is to make all reasonable and necessary improvements and all repairs at his own expense, furnishing all material of every kind and description, except that where it is necessary to repair the fences around the fields, the said party of the first part is to furnish the material for that purpose. And the said Fite hereby agrees to give the said Hawkins orders upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in each case, the same to be collected and to be a part of the rent of said place during the whole time that the relation of landlord and tenant may exist between them. The said Hawkins stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

Witness our hands this the 28th day of July, A. D. 1898.

This contract is subject to laws of the Cherokee Nation.

Signed, W. B. Fite.

Signed, Chas. Hawkins.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

Ella Wisler

IN DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16th 1902.

Cherokee D 5.

In the matter of the application of Ernest Thompson for enrollment as a citizen of the Cherokee Nation.

Motion to Reopen case.

Comes now the representative of the Cherokee Nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the Commission that the applicant be again notified to appear before the Commission at some convenient time for the purpose of giving additional testimony as to his residence prior to and on June 28, 1898 and subsequent thereto, inasmuch as we deem the testimony upon the question of residence insufficient in this case.

Respectfully,

W. W. Hastings JCS

Attorney for the Cherokee Nation.

J. C. S.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August 26, 1903.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr., et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,..	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

S U P P L E M E N T A L S T A T E M E N T.

An examination of the 1894 Cherokee strip payment roll shows that the applicants herein are identified on said roll as follows:

Gilbert T. Thompson, Sr.,.....	Coowescoowee	District,	#4311
Gilbert T. Thompson, Jr.,.....	"	"	#4313
Matthew Thompson,.....	"	"	#4314
Allison Thompson,.....	"	"	#4308
Ernest W. Thompson,.....	"	"	#4309
Mamie Thompson,.....	"	"	#4310
Ernest Thompson,.....	"	"	#4306
Allison G. Thompson,.....	"	"	#4307
James K. Thompson,.....	"	"	#4316

Copies of this statement are ordered filed herein and made a part of the record in the above entitled cases.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr. et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al....	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

D E C I S I O N .

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission, by Gilbert T. Thompson, Sr. for himself, his adult son, Gilbert T. Thompson, Jr., and his minor son, Matthew Thompson; by Allison Thompson for himself and his minor children, Ernest W. and Mamie Thompson; that subsequent to the date of his original application an affidavit was filed with the commission as to the birth of his minor child, Allison Archibald Thompson, and the same is made a part of the record herein; by Ernest Thompson for himself and his minor children, Allison G., Ernest T. and Hugh C. Thompson; and by James K. Thompson for himself; and that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Joseph G. Thompson, and the same is made a part of the record herein. Copies of the testimony taken at Tahlequah, Indian Territory, July 28, 1903, in the case of Cleo T. Reid, et al. are made a part of the record herein.

The evidence shows that on September 7, 1883, the said Gilbert T. Thompson, Sr. and his sons, Allison Thompson, Ernest Thompson, James K. Thompson and Gilbert T. Thompson, Jr., were admitted, with others, as citizens by blood of the Cherokee Nation by the duly constituted authorities of said Nation; that the said Matthew Thompson was a minor, and is considered to have been a member of the family of his father, Gilbert T. Thompson, Sr., at the time of the latter's admission to citizenship; that all the said minor applicants herein are the descendants of said Gilbert T., Sr., Allison, Ernest and James K. Thompson respectively; and that all of said descendants, except Matthew Thompson, were born since the admission of their said ancestors to citizenship, as above mentioned.

It further appears that all the applicants herein, except Allison Archibald, Ernest T., Hugh C. and Joseph G. Thompson, are identified on the 1894 Cherokee strip payment roll. The four minor applicants last mentioned are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Gilbert T., Sr., Allison, Ernest and James K. Thompson removed to and in good faith settled in the Cherokee Nation in 1883 and resided therein about one years, that about 1884 they left the Cherokee Nation and have not since that time and prior to June 28, 1898, resided in said Nation. It does not appear that they ever removed their effects from the Cherokee Nation, or became citizens of any other government. On the contrary, they have each retained interests in property in said Nation from 1883 up to the date of their applications herein. It is considered that the residence of said minor applicants has been the same as that of their said parents.

The evidence further shows that the said Gilbert T. Thompson, Jr. was a minor on June 28, 1898, and his residence up to and including said date is considered to have been the same as that of his father, Gilbert T. Thompson, Sr.

It is, therefore, the opinion of this Commission, following the decision of the Department in the cases of Joseph D. Yeargain, et al. (I.T.D. 2900-1903), and Martha Hill, et al. (I.T.D. 3866-1903), that the said Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew Thompson, Allison Thompson, Ernest W. Thompson, Mamie Thompson, Allison Archibald Thompson, Ernest Thompson, Allison G. Thompson, Ernest T. Thompson, Hugh C. Thompson, James K. Thompson and Joseph G. Thompson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. A. Stealey,
Commissioner.

Muskogee, Indian Territory,

this OCT 23 1903

Copy

Muskogee, Indian Territory, November 16,1903.

Cherokee D-3,4,5,6.

I hereby withdraw the protest of the Cherokee Nation heretofore filed against the decision of the Commission to the Five Civilized Tribes, dated October 28,1903, granting the application for the enrollment of Gilbert T., Sr., Gilbert T., Jr., Matthew, James K., Joseph G., Allison, Ernest W., Mamie, Allison A., Allison G., Ernest T. and Hugh G. Thompson as citizens by blood of the Cherokee Nation.

Signed W. W. Hastings
Attorney for the Cherokee Nation.

COMM.

FILED
JAN 1 1 1992

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902

Mr. Ernest Thompson,

Louisville, Kentucky

Sir:

You are hereby notified that the application of yourself, Allison G. Thompson, Ernest T. Thompson, and Hugh G. Thompson for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Cherokee 3-6
Registry.

COMMISSION
DEC 10 1901

Muskogee, Indian Territory, December 10th, 1901.

Mr. Ernest Thompson,

Care of Milton K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

On Friday, May 11th, 1900, at Muskogee, Indian Territory, you made application for the enrollment of yourself and your three children, Allison G. Thompson, Ernest T. Thompson and Hugh C. Thompson, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife, Jizzie C. Thompson, as a citizen by intermarriage of the Cherokee Nation.

The testimony taken at that time is found to be incomplete, and you are desired to again appear before the Commission at Muskogee as soon as practicable after the 4th day of January, 1902, for the purpose of giving further testimony in the matter of your application.

Do not fail to give this matter your prompt attention, as your case cannot be proceeded with until further testimony is obtained.

Please present this letter when you appear before the Commission.

Yours truly,

Clarence De.S.S. and S.S.

Commissioner in Charge.

COPY

Cherokee D-3-4-5
-6.

Muskogee, Indian Territory, October 29, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 29, 1906, in the consolidated case of Gilbert T. Thompson, Sr., et al., granting the applications for the enrollment of Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew, Allison, Ernest W., Mamie, Allison Archibald, Ernest, Allison S., Ernest T., Hugh C., James W. and Joseph S. Thompson as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed

COPY

this decision will be considered final.

Respectfully,

L. D. Needles,

Exc. D-33.

Commissioner in Charge.

COPY.

Cherokee D-5.

Muskogee, Indian Territory, November 16, 1906.

Ernest Thompson,

Adair, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 28, 1903, granting, among others, your application for the enrollment of yourself and your three minor children, Allison G., Ernest T. and Hugh C. Thompson, as citizens by blood of the Cherokee Nation.

Respectfully,

Tibbing.

Chairman.

Register.

Enc. V-4.

165

Ernest Thompson, et al

Testimony on original application, May 11, 1900, is not complete

applicant notified 12/10/0 to appear for further examination

(130)

Cher 10346

James K. Thompson

Trans. from D6

Cher 10346

[illegible] 1900.

In the matter of the application of James K. [illegible] for enrollment [illegible] citizen, being duly sworn [illegible] examined by the Commissioner [illegible] as follows:

Q What [illegible] name? A James K. [illegible].
Q How old are you? A Twenty-six.
Q Where are you living? A I have [illegible] the past; I have been at school, and I [illegible] ago [illegible] preaching here in Texas.
Q When did you first come to this Nation? A In 1893.
Q [illegible]
Q And remained [illegible] a year? A Yes sir.
Q You went [illegible] school? A I [illegible] college.
Q And stay [illegible] since, you have not resided here since?
A Only just like everyone else, I have [illegible] a permanent residence anywhere.
Q What is your present post-office address? A Calvert, Texas.
Q Are you married? A I have just married.
Q Is your wife a white woman? A Yes sir.
Q Has she ever resided here? A No.
Q She never been in the Cherokee Nation? A No sir. She just got back from Europe, and she hasn't had an opportunity. I have been back repeatedly, and stay with my brother; I have registered my name just where I happened to be; I had to go away to [illegible]
Q You have no children? A No sir.

MAY 4 1900
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
May 11th, 1900.

In the matter of the application of James K. Thompson for enrollment as a Cherokee citizen, being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A James K. Thompson.
Q How old are you? A Twenty-six.
Q Where are you living? A I have been living everywhere since I have been at school, and a year or two ago graduated and am preaching now in Texas.
Q When did you first come to the Territory? A In 1889.
Q You came with your father? A Yes sir. I was then a minor.
Q And remained here about a year? A Yes sir.
Q You went away with him then? A I went off to college.
Q And staid away ever since, you have not resided here since? A Only just time everywhere since, I hardly had a permanent residence anywhere.
Q What is your present post-office address? A Salvator, Texas.
Q Are you married? A I have just married.
Q Is your wife a white woman? A Yes sir.
Q Has she ever resided here? A No.
Q Has she ever been in the Cherokee Nation? A No sir. We just got back from Europe, and she hasn't had an opportunity. I have been back repeatedly, and staid with my brothers. I have considered my home just where I happened to be; I had to go away to school.
Q You have no children? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the official seal of the Commission is affixed to this transcript, and that this transcript is a true, full and correct translation of the stenographic notes.

M. D. McKennon

FILED
MAY 11 1900

9 V -61

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1 May 11 1902

Name We James K. Thompson

District Cowo Year 94 Page 317 No. 431

Citizen by blood Yes Mother's citizenship White

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

See his testimony

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 27th, 1909.

In the matter of the application for enrollment as a Cherokee Citizen by
Gilbert T. Thompson.

Mr. Gilbert T. Thompson, being duly sworn, made the following statement, in addition to testimony already taken:

Capt. McKennon: You may just state anything you want to say now.

A - The statement I wish to make is this; that we felt all the while that we were complying with the Cherokee law in regard to maintaining our citizenship. We would have lived here, only that our profession took us out. We had no charge of our denomination here and couldn't get any work. Myself and two sons are ministers and we had no work to keep us here. We maintained our property right and our citizenship as to voting members also except here, and we felt that we had complied with the law in that particular. If at any time we could have gotten work here in the Cherokee Nation in our church, or even in the Northern branch of the Presbyterian Church, we would have moved here. According to the agreement between the Northern and Southern churches, we occupy the Choctaw and the Chickasaw, and the Northern preachers occupy the Creek Nation and the Cherokee and the Seminoles. That is the agreement between us, just as we do in foreign countries. Owing to the fact it has been impossible for me to get work here. The Northern brethren always give their own applicants the preference, and it has just kept us out in that way, but we have from time to time visited the Nation and voted in the Nation and maintained our property rights all the while.

Mr. Nixley: What do you mean by maintaining your property rights?

A - We understand that when one moves out of the Nation with their effects that they forfeit citizenship, but we did not move our effects, that is our property.

Q - You have a farm here? A - Yes, sir.

Q - What personal property have you in the Cherokee Nation, any personal property?

A - We have cattle and horses and things of that kind, and farm implements.

Q - You own a farm stocked with cattle and horses?

A - Yes, sir, most of the while we have had it stocked. Sometimes we would run out of cattle to a limited extent, but we had a few all the time.

Q - When you would come back to the Nation do you go to this place and live there?

A - Yes, sir, every time we come back we go there and remain there the while. Of course I can't say that we lived there in the sense that one would live a month or two or three, but we would stay a week or ten days; that is about all the living we did there.

Q - How did you first become a citizen of the Cherokee Nation?

A - Regularly before a citizenship court or commission, I don't remember the technical name, of the Cherokee Nation.

Q - How many years ago? A - 17 years ago, in August or September. The record will show.

Q - How much of that 17 years have you lived in the Cherokee Nation?

A - I can't say that we have lived here more than about a year and a half, I have stayed here and worked here. I preached one year at Tahlequah, had charge of the Presbyterian Church there.

Q - How long is it since you have been here preaching this trip?

A - It has been about three years; but I would have been here every year, but I suppose you know that ministers are poorly paid and have no money to travel on. It would suit me very well to come here every year, but our work is such we can't live here and not having the money to travel on we couldn't come just when we would like to.

Capt. McKennon: You are a minister of the Presbyterian Church, how long have you been?

A - Been a minister of the Presbyterian Church I suppose 28 or 30 years.

Q - Continuously in the ministry?

A - I haven't done a thing but preach the Gospel.

Q - You have two sons who are ministers too? A - Yes, sir.

Q - How long have they been preaching?

A - One of them has been preaching about ten years, and the other about four.

Q - They have regular charges,have they? A - Yes, sir.

Q - During all that time?

A - Yes, sir, all the while and they were in school; they had to go to a seminary and colleges, and they both made trips to Europe to school, they studied in Edinburgh during a year, and the youngest one has just returned a few months ago. The church gave him the vacation and he has gone back to work. The spirit of the government of the Presbyterian Church requires all of the ministers to keep at work. We have to have churches, and report twice a year where we are and what we are doing, and we do not allow any idlers in our church or any local preachers. We require all to have churches and we have tried to comply with the requirements of our church and also as we understood it, the laws of the Nation, in maintaining our rights. If we have failed, we didn't aim to do it.

Bruce T. Jones, being duly sworn, says that as Stenographer

[illegible]

[illegible] the Commission to the Five Civilized Tribes, do [illegible] that the testimony of the [illegible] witness, and that the [illegible] is a true and complete transcript of his stenographic notes.

(Signed) [illegible]

Subscribed and sworn to before me this 17th day of [illegible]

(Signed) [illegible]

N. M. Vance, being duly sworn, states that he [illegible] the Commission to the Five Civilized Tribes, he made the [illegible] copy and that the same is a true and correct copy of the [illegible] transcript.

Subscribed and sworn to before me this 14th day of [illegible] 1903.

Edward Merry

[illegible]

[illegible] Court No. 2. The [illegible] Commission will be made known to the applicant when the same is rendered.

M.D.Green, [illegible] first duly sworn, states that as stenographer to the [illegible] Civilized Tribes he correctly [illegible] section [illegible] true and complete transcript of [illegible]

[illegible]

Subscribed and sworn to before me this February 4, 1902.

FILED
FEB 1 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioner.

"H"

Cherokee D 8

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 4, 1908.

SUPPLEMENTAL TESTIMONY OF RECORD CHAPPELCAT, in the matter of the application of James K. Thompson for enrollment as a citizen by blood of the Cherokee Nation.

Appearances:
Applicant in person;
W. W. Hastings, of attorneys for the Cherokee Nation.

JAMES K. THOMPSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.
Q How old are you? A 26.
Q What is your post-office address? A Muskogee, I think it was down there before as Adair, but I am living here now; I have charge of the Presbyterian Church, regular pastor.
Q Did you appear before the Commission in May 1900 and make application for the enrollment of yourself as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A G. T. Thompson.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Josephine A. Thompson.
Q Is she living? A Yes sir.
Q You claim a right to enrollment through your father or through your mother? A Through my father.
Q Where were you born? A Born at Tunnell Hill, Georgia.
Q How long did you continue to reside there after your birth? A I don't know exactly; father moved to Tennessee when I was quite small boy, infant.
Q How long did you reside in Tennessee? A Until '92 I believe it was.
Q Then did you come to the Cherokee Nation? A Yes sir.
Q Were you admitted to citizenship in the Nation by an act of the Cherokee National Council? A Yes sir; I don't remember; I was only a boy then, possibly about '93. I was about 8 or 10 years old I think.

BY COMMISSION: It appears from the records of the Cherokee Nation that the applicant and his father were admitted to citizenship in the Cherokee Nation on the 4th day of September, 1893, by an act of the Cherokee Commission on Citizenship.

Q How long did you continue to reside in the Cherokee Nation after you were admitted to citizenship? A I don't know just how long father was here, possibly about a year.
Q Where did you go then? A We went to Springfield, Missouri.
Q Did you go with him? A Yes sir, yes; I was a minor you see and had to; it was the only thing I could do.
Q How long did you reside at Springfield, Missouri? A Stayed there I think about four years.
Q Then where did you go? A We went with him to Texas, to Bellaway, Texas; he was a minister you know, and was called to the church at Bellaway, and I was about 14 I think at the time.
Q How long did he reside in Texas? A He stayed there for two years; I think that time about three years.
Q Did you accompany him when he left Texas? A We left my college at Sherman.
Q At Sherman, Texas? A Yes sir.
Q How long did you continue to attend school there? A I stayed there for one year after father left. I was then just 18 years old.
Q Where did you go then? A I went to Tahlequah and attended

school there.
Q When did you finish your school? A My schooling, in my seminary course in May 1894.
Q Did you attend school again after that? A Yes sir, I went abroad for a year while in Scotland.
Q When did you return to this country, that is, to the United States? A I came back in March, May, April, just about two years ago.
Q You had then reached your majority? A Yes.
Q How old were you at that time? A I was a little past 26.
Q Had you been attending school continuously from the time you left your father there in Sherman, Texas up until the time you returned from Scotland? A Well with a little intermission while I was supplying the church in Texas. I was simply a stated supply looking to my final settlement in this country, but I was doing church work off and on. I hadn't completed it.
Q When was the first time you came to the Cherokee Nation after your admission in '83? A You mean to live?
Q Yes, when did you come back; how long have you been here the last time? A Oh I have been here simply a month, to live; I came here January 1st.
Q Where did you come from? A I came from Calvert, Texas.
Q Have you attended school any since your return from Scotland? A No sir.
Q You have been a minister since that time? A Yes sir. In my profession we go where we are called, and as soon as I was called to the Nation- of course it is in the Creek Nation,- I accepted; I am in charge of the Presbyterian church.
Q As a matter of fact you have never resided in the Cherokee Nation since your admission? Up until the present time? A No sir, when the1896 roll was made I was a stated supply in the church at Texarkana, Arkansas, and I knew nothing about any roll; I came immediately from the seminary.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1894 pay roll of citizens of the Cherokee Nation examined and applicant identified
page 317 No. 4316 James K. Thompson, Coweescoowee District.

BY MR. EASTINGS:
Q Are you married? A Yes sir.
Q How long have you been married? A I have been married two years, let's see, married on the 3rd day of October, 1909.
Q Two years last October? A Yes sir.
Q Where were you married? A Married in Texas, Calvert, Texas, where I was preaching at the time.
Q You came here the first of January in the Creek Nation, Muskogee? A Yes sir.

BY COMMISSION: On the 18th day of May 1906 James K. Thompson appeared before the Commission and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. The testimony taken at that time was found to be incomplete, and the applicant this day appears and gives further testimony as regards his application.

It appears from the records of the Cherokee Nation that he was duly admitted to citizenship by an act of the Cherokee National Council on the 4th day of September, 1883; it appears from the testimony that he only resided in the Cherokee Nation one year subsequent to his admission to citizenship, since which time he has not resided in the Cherokee Nation. He returned to the Indian Territory in January 1902, and since that time has resided in Muskogee, Indian Territory.

[illegible]

[illegible] Commission [illegible] testimony [illegible] true and co[illegible] [illegible] stenographic notes

[illegible]

Subscribed and sworn to be[illegible] this February 4, 19[illegible]2.

Commissioner.

M. [illegible] Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the

-2-

Cherokee D-6.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 12, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a citizen of the Cherokee Nation, by blood; being sworn and examined he testified as follows:

Appearances:
Applicant, in person.

BY COMMISSION:
Q What is your name? A James K. Thompson.
Q How old are you? A 28 years old.
Q What is your post-office address? A Muskogee.
Q You were an applicant before this Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q You desire to make a statement relative to your residence? A Yes.
Q Just state briefly. A The fact that I have always considered that the Indian Territory was my domicile, and with that in view I have never at any time exercised the right of franchise in any of the States, though I am in my 29th year, feeling that that might jeopardise possibly the interest here which I considered always to be mine. Besides this, in 1894 I believe it was, the sum of money something over two hundred dollars that was paid to each of the Cherokee citizens, received by myself, was all turned back into our place up close to Adair in the Cherokee Nation, on improvements. It was not used at all, but turned back into the place for its improvement.
Q Have you anything else that you desire to state relative to your enrollment? A I think these two points cover all; only that I have looked forward always to coming back and had simply waited for an opportunity to come, and when the opportunity came I returned here, at the first opportunity.
Q I believe the fact was brought out that you are a minister of the Gospel? A Yes sir, being a minister of course I go where I have an opportunity to go and am sent; our church isn't strong in the Territory, relatively strong of course, and the pulpits have all been filled, but now I am staying here permanently, it is of course supposed to be permanently, depends on the church, at Muskogee as pastor of the First Presbyterian Church.

BY COMMISSION: This testimony will be filed and made part of the record in the Cherokee case No. D-6.

M.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 12, 1902.

[illegible] 1903, [illegible]. [illegible] et al.

Cherokee roll [illegible]

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., February [illegible] 1903.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a Cherokee citizen.

Appearances:

Applicant in person.

JAMES K. THOMPSON; being sworn and examined, testified as follows:
BY COMMISSION:

Q What is your name? A James K. Thompson.
Q How old are you? A 28
Q What is your post office address? A Muskogee.
Q You are an applicant before this Commission for enrollment as a Cherokee? A Yes sir.
Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 6th day of February 1902, "Q. As a matter of fact you have never resided in the Cherokee Nation since your admission up until the present time?" You answered "No sir." "When the 1896 roll was made I was a stated supply in the church at Texarkana, Ark and knew nothing about any roll; I came immediately from the seminary."
A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an act of the Council; I was a minor at the time and of course don't remember the exact transaction, but I was admitted along with my family, father's family, and he resided for twelve months in the Territory, in the Cherokee Nation, at Tahlequah.
Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was still a minor; while I was here I attended the male school at Tahlequah in the Indian Territory.
Q That was in about 1883 or 1884? A '83, yes sir; it was the fall of [illegible]

File in C D # 3, # 4, # 5.

Cherokee "D" - 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February 14, 1906.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT, in the matter of the application of James K. Thompson for enrollment as a Cherokee citizen.

Appearances:

Applicant in person.

JAMES K. THOMPSON, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James K. Thompson.

Q How old are you? A 28.

Q What is your post office address? A Muskogee.

Q You are an applicant before this Commission for enrollment as a Cherokee? A Yes sir.

Q In answer to the question asked you when you appeared before the Commission to give supplemental testimony on the 4th day of February 1906, "Q. As a matter of fact you have never resided in the Cherokee Nation since your admission up until the present time?" You answered "No sir." "When the 1896 roll that made I was a stated supply in the church at Tenarkana, Ark and knew nothing about any roll; I came immediately from the seminary."

A Well, that was the question. I misunderstood the purport of it; of course I was admitted to citizenship by an act of the Council; I was a minor at the time and of course don't remember the exact transaction, but I was admitted along with my family, Father's Family, and he resided for twelve months in the Territory, in the Cherokee Nation, at Tahlequah.

Q And were you residing here at that time? A I was residing with him at that time, when he moved away I was still a minor; while I was here I attended the male school at Tahlequah in the Indian Territory.

Q That was in about '83 or '84? A '83, yes sir, it was the fall of '83 or '84.

Q Any other statement you desire to make? A No, I think, - just the point with regard to the establishment of our home, when we established our citizenship to forever that we were establishing our home and when I individually went away I knew nothing about the ways and shortcomings, I knew nothing about it; I was nine years old. And I have always felt as I grew up to manhood that I would return to look up my interest.

Q You submit this case now to the Commission for final consideration? A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this February 17, 1906.

Signed, W. D. Beadle, Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a full and correct copy of the original transcript.

Ella Thornburg

[illegible] James F. Thompson

[illegible]

[illegible]

[illegible]

SUPPLEMENTAL TESTIMONY [illegible] in the matter of the application of Gilbert T. Thompson, Sr., for the enrollment of himself and children [illegible].

APPEARANCES:

Milton T. Thompson [illegible]
W. M. [illegible], [illegible]

[illegible]
an agreement made [illegible]
[illegible]
and [illegible]
July 28, [illegible]

This [illegible]

By agreement of the parties herein it is stipulated that all the testimony had in the matter of the application of James F. Thompson, son of Gilbert T. Thompson, [illegible] made part of the record in doubtful case No. 3, [illegible] of Gilbert T. Thompson, et al., doubtful [illegible], being that of Allison Thompson, et al., and doubtful case No. 4, being that of Ernest Thompson, et al.

By agreement of the parties herein these cases are submitted for final consideration.

File with Chapter 3-6, James E. Thompson

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 18, 1902.

[illegible] in the matter of the application of [illegible] for the enrollment of [illegible] as Chickasaw citizens.

APPEARANCES:
Gilbert T. Thompson, for the applicants;
[illegible], attorney for the Chickasaw Nation.

[illegible] by agreement of counsel a commission of [illegible] was issued and entered into by and between Francis [illegible], Tribal Agent of C. T. Thompson and wife, of the first part, and Charles Perkins, of the second part, bearing date of January 25, 1902, and same will be filed.

This case is closed by agreement of the parties concerned.

By agreement of the parties concerned it is ordered that all the testimony taken in the matter of the application of James E. Thompson, and of Gilbert T. Thompson, be filed and made part of the record in contested case No. 3, being that of [illegible] Thompson, et al., doubtful case No. 4, being that of [illegible] Thompson, et al., and doubtful case No. 5, being that of Ernest Thompson, et al.

By agreement of the parties concerned these cases are submitted for final consideration.

[illegible], being first duly sworn, states that as stenographer of the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this February 18, 1902.

[illegible]

Commissioner.

Fite hereby agrees to give the said Hawkins proofs upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary sum for their procurement, and the said Hawkins hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Fite the sum of $50.00 in each case, the same to be collected as a part of the rent of said place, upon the whole law of the state of landlord and tenant. [illegible] The said Hawkins covenants and agrees that in [illegible] control of said cattle, he will comply [illegible] provided.

Witnesses [illegible] day of July, A. D. 1896.

signed, T. B. Fite.

This contract is subject to laws of the Cherokee Nation.

signed, Chas. Hawkins.

File with C D #4 #5 #6

MEMORANDUM OF AGREEMENT Made and entered into between Francis M. Fite Agent of G. T. Thompson & Sons, of the first part, and Charles Hawkins of the second part, Witnesseth, That in consideration of the agreement and covenant hereinafter made, the party of the first part demises and leases unto the party of the second part all that farm and improvements known as "Sugar Hollow Ranch", situated near the M. K. & T. Ry., between the towns of Fryer Creek & Amity, containing between 450 and 500 acres in cultivation.

And the said party of the second part stipulates that he will pay for land rented for the year 1897, the sum of $500.00 in cash. Said sum to be paid as soon as the said party of the second part can reasonably gather and sell his crops. All to be paid by Dec. 31 of each year.

It is further stipulated and agreed that said contract may be renewed each year for five consecutive years, each of said years and renewals to end on the 31st day of December. Said renewals to take effect without further covenant or agreement except that said contract may be terminated, and said right of renewal done away with and abrogated at the instance of desire of either party to this contract. But either party desiring not to renew said contract, but to abrogate the same must give the other party 60 days notice of his said intention and desire, otherwise said contract is to remain in full force and effect.

Said Fite further agrees to furnish the said Hawkins with stock-cattle of from one to two hundred head, the said Hawkins at his own expense to feed, care for and maintain said cattle as a compensation for which he is to have one-half of the net profit of said cattle, and at the termination or abrogation of this contract he is to turn back to the said Fite the equivalent in number and value of the cattle originally turned over to him by the said Fite. A 31 cattle on said place to belong to F. M. Fite.

It is further agreed and understood between the parties

hereto that the said party of the second part is to keep said place in good repair and is to make all reasonable and necessary improvements and all repairs at his own expense, furnishing all material of every kind and description, except that where it is necessary to repair the fences around the fields, the said party of the first part is to furnish the material for that purpose. And the said Tiger hereby agrees to give the said Hudson orders upon the proper authorities for all necessary permits for himself and employees, and to do whatever is necessary for him to procure and obtain the same except to pay the necessary cash for their procurement, and the said Hudson hereby covenants and agrees that he is to pay for all permits for himself and employees, and that upon his failure so to do he is to forfeit and pay to the said Tiger the sum of $50.00 in each case, the same to be collected and to be a part of the rent of said place, during the whole time that the relation of landlord and tenant may exist between them. The said Hudson stipulates that in the management and control of said cattle, that he will comply with the laws of the Cherokee Nation in such cases made and provided.

Witnesses hand this the 25th day of July A. D. 1896.

signed, T. B. Tiger.

This contract is subject to laws of the Cherokee Nation.

signed, Chas. Hudson.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

Lela Mackey

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IN RE

Application for Enrollment of

INFANT CHILD

Joseph G Thompson

as a citizen of

Choctaw Nation.

Approved [illegible] 1902.

Commissioner.

COMMISSION

FILED

APR 16 1902

DEPARTMENT OF THE INTERIOR,

CONFIDENTIAL TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment as a citizen of the Cherokee Nation of Joseph M Thompson born on the 11th day of June 1901 Name of father, James R Thompson citizen of the Cherokee Nation Name of Mother, Minnie J Thompson citizen of the U S Nation Postoffice Tahlequah I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Indian Territory,
District.

I, Minnie J Thompson, on oath state that I am 26 years of age and a citizen, by ——— of the U S Nation; that I am the lawful wife of James R Thompson, who is a citizen, by blood of the Cherokee Nation; that a male child was born to me on the 11th day of June 1901; that said child has been named Joseph M Thompson, and is now living.

Minnie J Thompson

(Witness to mark)

Subscribed and sworn to before me this 16th day of August A D 1902.

Fairfax Harrison
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Cherokee Indian Territory,

I, S J Wilson, a Physician, on oath state that I attended as the Doctor, Minnie J Thompson, wife of James R Thompson on the 11th day of June, 1901; that there was born to her on said date, a male child; that said child is now living and is said to have been named Joseph M Thompson.

S J Wilson M.D.

(Witness) D F Collins
Tahlequah I.T.

Subscribed and sworn to before me this 6th day of October, 1902.

Fairfax Harrison
Notary Public.

D6

No 121

Pleadings Docket.

J. R. Thompson

AND

Mechanic Foster

COMM... ...NION,
...ED TRUSTEES

FILED
APR 18 1902

Filed the 2nd day of
October 1899
W. W. Wilson
U.S. Marshal Northern D.
by Deputy

Filed the 20th day of
Oct 1899
W. W. Wilson
U.S. Marshal Northern D.
by M. J. Moseley Deputy

Docketed 18 day 62 of Complaints

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To any Regularly licensed or Ordained Minister of the Gospel, Justice of Peace, Judge District or County Court, or any Justice Peace in and for Robertson County Greeting:

You are hereby authorized to solemnize the

RITES OF MATRIMONY

Between Mr. James Kidd Thompson and Miss Annie Foster

and make due return to the Clerk of the County Court of said County within sixty days thereafter, certifying your action under this license.

Witness my official signature and seal of office, at office in Franklin the 2 day of October 1899

W. W. Wilson Clerk of County Court Robertson County

By Deputy

I, J. J. Kilgore hereby certify that on the 3 day of Oct 1899 I united in Marriage Mr. James Kidd Thompson and Miss Annie Foster the parties above named

Witness my hand this 3 day of Oct 1899

J. J. Kilgore
Minister of the Gospel

Returned and filed for record the 20th day of Oct. 1899 and recorded the 20th day of Oct. 1899

M. S. Moseley Deputy W. W. Wilson County Clerk

Blanks & Books, Stationery, Printers & Lithographers, Nashville.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. October 16, 1902.

Cherokee D # 6.

In the matter of the application of James K. Thompson for enrollment as a citizen of the Cherokee nation.

Motion to Reopen case.

Comes now the representative of the Cherokee nation and upon examination of the testimony in the above entitled case represents to the Commission that the testimony as to the residence of the applicant is insufficient and therefore moves the commission that the applicant be again notified by the Commission to appear before the Commission at some convenient date for the purpose of giving additional testimony as to his residence prior to and on June 28th 1898 and subsequent thereto, in as much as we deem the testimony upon the question of residence insufficient, in this case.

Respectfully,

W W Hastings

Attorney for the Cherokee nation.

J. C. S.

Cherokee R-848

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T., July 28, 1903.

In the matter of the application for the enrollment of Cleo T. Reid and her son, Thompson Reid, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ALLISON THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Allison Thompson.
Q How old are you? A 37.
Q What is your postoffice address? A Cleburn, Texas, for the present; I am down there temporarily.
Q Are you an applicant for enrollment by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know Cleo T. Reid? A Yes sir.
Q Are you any relation to her? A Brother.
Q Has she a son named Thompson Reid? A Yes sir.
Q Where does she live now? A She's in Gastonia, North Carolina.
Q What is her husband's name? A His name is Walker Reid; I believe J. W. Reid.
Q He is living? A Yes sir.
Q He a noncitizen? A Yes sir.
Q She is living with him? A Yes sir.
Q Mr. Thompson, you and the other members of your father's family were readmitted to citizenship in the Cherokee Nation in 1883 were you not? A Yes sir; one of them was born here after the admission.
Q How soon after you were readmitted did you move to the Territory? A We were here when we were admitted.
Q You were living here at that time? A Yes sir.
Q From 1883 how long was it before your sister, Cleo T. Reid, left the Cherokee Nation? A In '84. She went to school in Springfield, Missouri; went to college.
Q Who was she making her home with then, her father? A Yes.
Q She was a minor at that time, was she? A Yes.
Q How long after '83 was it before your father left the Cherokee Nation? A Well he went at the same time, '84; went up there to send her to school, there being no schools here.
Q When did your sister remove to the Nation again? A Well, she has never been back to live here I guess. Been back, but not to live.
Q Where was she married? A North Carolina.
Q Had she been making her home with her father up to the time she was married? A Yes. She didn't a year I believe but she considered that her home; she taught a year.
Q She considered her father's home her home? A Yes.
Q And had she made her home in the Cherokee Nation until he left here in '84 and before she married? A She had not lived here.
Q She had never kept house in the Cherokee Nation? A No.
Q And since 1884 has never had a home here? A No. If you call her home her residence; she has had property here.

Q What business or profession does her husband follow? A He was, until just a short time ago, teaching school; had to quit on account of his health.
Q When Mrs. Reid left here in '84 with her father, did she have any property in the Cherokee Nation? A Not individually; she did as a minor with him.
Q You mean by that she had an interest in the property he had?
A Yes.
Q In other words your father and his family jointly owned property? A Yes.
Q What did that property consist of? A Well, we had property here in Tahlequah, town property; well, it was not all town property then; it was town property and country property at that time. Then we had a ranch in Ceowesecowee District when we left here, several thousand acres, in addition to what we had here.
Q You had then some property in Tahlequah and some farm property near Tahlequah and the ranch in Ceowesecowee District?
A Yes, that is my recollection of it; I don't know whether he had disposed of this town or not before he left, but he had that other one at the depot and then we had a large ranch near Adair, between Adair and Fryorcreek on both sides of the railroad, extending two or three miles on the west side and probably half a mile on the east side, and several thousand head of cattle.
Q Did you have some cattle on the ranch? A Several thousand head.
Q What was done with that property when your family left?
A We kept it for a while until that break in the prices of cattle came and that kinda swamped us.
Q Was that farm property and the ranch property rented or who had control of it? A I don't know who controlled it just at that time; I think Dr. Fite. My recollection is that he had charge of it.
Q Did you derive revenue from this property all the time until you parted with it? A I don't know; I was a boy at that time.
Q Do you own that property now? A No. We have another one that we exchanged that for.
Q In what year did you make the exchange? A I don't recollect; about-----somewhere in '92 I think; been 10 or 12 years ago since we made the exchange.
Q What property did you receive in exchange? A We got a ranch near Adair, about two miles and a half, which we now own. We exchanged for the reason that we thought we would take in a body altogether as much land as we could all hold together, and the one we had was too small and we could not get it all in a body, and the one at Adair had enough in it for the whole family to allot together and that is why we got it.
Q Does Mrs. Reid still own an interest in that property?
A Yes sir.
Q She has no personal property or property of any kind except an undivided interest in that ranch? A That's all.
Q But since her readmission to citizenship she has had an undivided interest in farm property and the ranch and cattle, up to the present time? A She has. Her interest in the property has continued unbroken.
Q Either in the property that you owned when you were readmitted or the property that you have acquired by exchange?
A Yes sir.

Examined by J. C. Starr:

Q Who was the fatheref Clee T. Reid? A G. T. Thompson.
Q How long had he been living in the Cherokee Nation before he was readmitted in '83? A Well, I don't know just how long; he was here in August a year; I don't know, July or August.
Q When did he leave here? A Just before school commenced at Springfield, Missouri; he went there to send us to school.
Q What year? A '84.
Q What time of the year? A About the last of August or first of September; it was between the 1st and the 15th I think when school opened.
Q Did I understand you to say that you came here and staid about a year during which you were readmitted and then left the country? A No, you see we came from Tennessee here in '83 and as soon as we got here, as soon as we could, we applied for admission; I don't know what was the term; and he came----- We were admitted by act of Council in the fall of '85.
Q That was the following autumn? A Yes sir.
Q Then where did he go? A Springfield, Missouri.
Q Now what property did Gilbert T. Thompson own at the time of his readmission to Cherokee citizenship? A I don't know; he just came here, was Pastor of the Presbyterian Church here and didn't have any property when he came here, but he got hold of this ranch up here, part by purchase and part of it he just took like anybody else and put up a house and fences and then purchased cattle and put on and machinery to run it.
Q What is the property he owned in Tahlequah? A Consists of a house, standing up there now by the depot, two-story house and several acres back of it.
Q I mean inside of Tahlequah? A Then he owned a house this side of that about two blocks; that was in town.
Q I believe you stated there was a farm near Tahlequah? A Well, that was the two-story house.
Q What interest did Clee T. Reid have in all this property? A Well none, except she was a child.
Q She didn't own any property in her own name? A No, she didn't own it in her own name.
Q Did she live with her father in '84? A Yes sir.
Q And has she ever lived in the Cherokee Nation since that date? A No sir.
Q Where was she living when she was married? A North Carolina.
Q Where has she lived since that? A North Carolina.
Q Has she owned any property in her own right since she was readmitted to citizenship? A No, except this property; it was understood among us that she had a common interest in the houses and things of this nature, and the money paid for them.
Q Who controlled this property? A I had charge of it; my father was absent and the boys gave me charge of it and I looked after it until Doctor Thompson came to the Territory and then he came I turned it over to him. Paid taxes on city property here.
Q In whose name were the taxes paid? A G. T. Thompson.
Q In whose name did you collect the rent? A His name, on the Squaw Hollow Ranch.
Q What did you do with the money when you collected it? A Divided it up; sent it to him and he divided it among the other children.
Q Who did you sent it to? A G. T. Thompson.
Q He has controlled this town property and this farm continuously since '83? A I think so.
Q Then Clee T. Reid has not property except this property which you think she has a right to in Indian Territory, has she? A No; deeds were never made out; never had deeds made.

By the Commission:

Q Has Cleo T. Reid ever received any of the revenue from this property which you state is owned by your father and the members of your family? A Well, I don't know; I never paid in anything; I sent it to G. T. Thompson.

By J. C. Starr:

Q Did I understand you to say that she has no property in her own name in the Cherokee Nation at this time? A Yes, I suppose so.
Q You mean she does not own any? A She has no deed of any kind; we didn't take deeds.
Q No deed has been made by G. T. Thompson? A No.
Q G. T. Thompson still controls the property does he?
A Yes; I could not say that he stays-----
Q He is agent? A Yes sir. It has always been understood among us that if a division should be made, father and the children-----
Q But there has never been a formal division? A No, all held in common.

GILBERT T. THOMPSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A G. T. Thompson.
Q Gilbert T.? A Gilbert T. Thompson sir.
Q How old are you? A 56.
Q What is your postoffice address? A Tahlequah.
Q Are you the father of Cleo T. Reid? A Yes sir.
Q You have heard the testimony of Allison Thompson I believe, as to collecting revenue from property that was owned by you and your family in the Cherokee Nation and sending it to you. When the revenue from that property was received by you what disposition did you make of it? A Well, daughter, Cleo T. Reid, has always gotten her part; it has always been understood that she did; of course I paid all her expenses even after she got out of school and she considered that her property in common with son here and the family; they held the property rather in common.
Q Since she has married, has she received a part of the revenue from this ranch? A Well yes, she has received a part just about like the other boys have; we have not made much off of it really; we had a good deal of expense and had to pay out a great deal and there has been very little coming in. In exchanging ranches, as my son was telling you, we paid several thousand dollars difference between them; we took what we supposed we could allot when the division should come and it was not large enough so we gave considerable difference and took another. But what we made on this place has not been divided; it only went to pay the difference.
Q The first property that you owned here, did you receive revenue from that regularly after you left the nation? A Yes sir, until we sold it.
Q You had it rented, did you? A Yes sir.
Q You never had an accounting with any of your children as to the disposition you made of the revenue from that first place, did you? It was simply used in the support of the family?
A Yes sir, that was the way. When I left here all my children were under age and as their father I held all this property and managed it for them and as they came of age, they did

not divide it; we consider it all ours and when there is anything to divide we divide, and when there was nothing and we had to pay the difference, we just paid it and that is the way the thing has gone.

Q Since your daughter has married, have you accounted to her regularly for any certain proportion of the revenue for that place? A Well, no sir; that is, not as I would to a stranger; we have talked it over and she owns her interest in it, but we have not been as we would be with strangers.

Q The accounting has been all of an informal nature? A Just of an informal nature, yes sir.

Q She knew that there was a balance of the purchase price still owing on the ranch and that the revenue was being applied to the reduction of the debt on the place? A Yes sir.

Q She still owns an undivided interest in that property?
A Yes sir. We have only one that is still a minor; and we have one at Muskogee who has become of age; he is younger than his sister and he owns an undivided interest; all just alike; she has owned it just like the others have owned it.

Q She had an interest as one of your children in all of the property that the family has owned here? A Yes sir, all the time, so it was understood.

Q When you were readmitted, what property did you own?
A None at all here.

Q How soon after you were readmitted did you acquire some property? A Well, I came here in August; I was admitted some time in the fall, I think it was October or November, the assembling of the council in 1881, and I began to accumulate property a little before I was admitted, August I think, because I was certain I would be and had no trouble whatever, and I had some money and bought several places.

Q When did you acquire that ranch, the first one? A Well, as near as I remember it was in the late fall of '83, about November.

Q You left here about September, '84? A Yes sir.

Q You left that property as well as the Tahlequah property in control of an agent? A Yes sir, rented.

Q When did you acquire the Tahlequah property? A Well, I think it was just a little while before I was admitted that I built this house up here where Mr. Hudson lives. That was in Tahlequah; it was town property at that time.

Q You exchanged the ranch you first bought for the one you now have, did you? A Yes sir.

Q And you still have the ranch that you acquired in exchange for the one you first owned? A Yes sir, we have kept it.

Q And it is understood that Cleo T. Reid owns an undivided interest in that ranch and the cattle? A Just as all the others do, yes sir.

Q Does she own any other property here? A No sir.

Q Was she ever owned any other property? A No, not more than any of the other children.

By J. C. Starr:

Q Who paid for the property you purchased after you were readmitted? A I paid for it.

Q Cleo T. Reid was then Cleo T. Thompson? A Yes sir.

Q Did she own part of the property? A Well, not more than the boys did; they were under age, but she paid for it the same as they did.

Q How did they pay for it? A Through me. She had no individual money, only what I had for her.

Q And therefore she didn't pay in anything or acquire it only as being your child? A That's it.
Q When did you sell your cattle and horses you speak of having on the ranch and how long did you keep them on the ranch?
A I could not tell you.
Q About when did you dispose of them? A Well, I suppose I was about four years disposing of the bulk of them.
Q After you left the Cherokee Nation? A Yes sir. We didn't dispose of them because we didn't want to keep them, but because we had to. We disposed of some of them and some died.
Q Well, say five years after you left the nation, had you disposed of all your horses and cattle, except those that died?
A Well, I suppose we had.
Q Well after you had disposed of that property that did you have?
A We had the ranch; we leased out property out for a little while and then we made this exchange paying a large difference and what we got for leasing went to pay this difference, except a few hundred dollars; we got a little revenue.
Q You leased the place out and applied the money on the new place?
A Yes sir.
Q Well, how much money did you put into the new place besides the revenue to pay the difference when you traded places?
A Well, it is a difficult matter to tell; the improvements we had put on the place we considered to be worth about eight or ten thousand dollars and we traded for a place that was worth about fifteen or eighteen thousand so that we paid that difference you know in the ranks that we got.
Q How did you pay the balance of the money that was due on the price of the new place? A Well, we got $1200.00 rent and there was $5000.00 difference between the two places and we agreed to pay $1000.00 a year on the property that we swapped out for and he got it out of the rent, and we rented him the place.
Q The point I am trying to make is, did you pay anything for this new place of your own funds? A The new place, that bought the old place.
Q Well, did you put up any money of your own in that deal?
A Why, yes, of course.
Q When you exchanged places? A Well, you see this place, the smaller one, was open.
Q No money paid whatever for the second place? A No sir. Only our first place went and the difference of a thousand dollars a year.
Q There was no cash involved in the transaction? A No sir. You see we got that place for five thousand dollars difference; we traded the first place for the ranch near Admir; it was considered worth twelve hundred dollars a year rent, which was very little of course; land was worth very little at that time. And across gave this Square Hollow Ranch for the Patton Ranch and this five thousand dollars difference was to be paid annually, a thousand a year, out of the rents of the place; we received no rents you see. Well, we did receive two hundred and fifty dollars every year in money. That is he paid us twelve hundred and fifty and two hundred and fifty of that was in money and the other was the difference between the Square Hollow Ranch and this ranch.
Q Mr. Thompson, you exchanged your first ranch for the one you now own and gave five thousand dollars boot and the five thousand dollars boot came out of the rents for the ranch you now own, a thousand dollars a year? A Yes sir.
Q And when was this trade made? A That trade was made about five years ago.

Q Does Mr. Fitz control that place? A Well, he still has it rented, time is not quite out.
Q When is the time out? A This fall.
Q And have you any other property on that place other than just the place? A No sir, I have no stock, nothing but the houses and barns. All the property I have.
Q Has Cleo T. Reid paid anything into this property herself?
A Yes, she has paid just like the boys have paid. The thousand dollars was considered ------ one-seventh of that was considered here and she has accounted for one-half of that to go annually for the payment of this ranch and she owns her interest in the larger ranch just as the boys do and it is so understood.
Q That is to say, she owns it when you get it paid out? A Yes, she owns an interest.
Q And the place is paying itself out? A Yes sir.
Q Well, she has never furnished any cash to pay on that has she?
A Yes, she has furnished a little cash.
Q How much? A Well, I couldn't tell you; we drew the head-right money and a small part of what she drew went in payment for improvements.
Q About how much? A I suppose about fifty dollars, just paid her part of it; I couldn't tell you the amounts; her part as one of the members of the family.
Q Has she ever lived in the Cherokee Nation since '84?
A No sir.
Q Where does she live now? A North Carolina.
Q How long has she been living there? A About five years.

By the Commission:

Q Mr. Thompson, you spoke of using some of the strip money you drew for your daughter, Cleo T. Reid, to improve this ranch?
A Yes sir.
Q For how many members of your family did you draw strip money?
A For myself and three minors.
Q Was there any money used that was not a part of that strip money? A I paid in $2250---$1250 was money of course that I had---on the improvements of this new larger ranch, and $1000 1/4 mine and 1/4 daughter's. I remember now that I did put in $1000, or 1/4 of it for each of the children, and then I said $50 did not remember this.
Q So you think now that, of the $1000 of strip money you paid in for improvements, there was about 1/4 of that amount paid out for Cleo T. Reid? A As she and Gilbert T. Jr., and Matthew were still with me at home I drew their money and I used it for them to improve the place. It was for all of them.
Q You used a thousand dollars of the money that you drew for yourself and those three children? A Yes sir.

By J. S. Starr:

Q Have you settled with her for the balance of the strip money?
A Well now, there was mighty little balance. No, I made no settlements.
Q Made no settlement with the other minor children?
A No sir. We have been holding things a little in common.
Q Still holding the property in the same way?
A I suppose you might call it that way.

Q And you have the charge, have you?
A Well, no.
Q Well, through Mr. Pitts?
A I am in only a renter.

****

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Mabel F. Maxwell.

Subscribed and sworn to before me
this 30th day of July, 1903.

(SIGNED) Samuel Foreman.
Notary Public.

(SEAL)

MFM

****

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 14 day of August, 1903.

Charles H. Sawyer
Notary Public.

901

Cherokee D.S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, August 24, 1906.

In the matter of the application for the enrollment of James K. Thompson, et al, as citizens by blood of the Cherokee Nation.

ORDER.

A motion to reopen the above entitled case for the purpose of introducing additional testimony therein was filed with this Commission, on October 16, 1905, in behalf of the Cherokee Nation. No legal ground for reopening said case has been assigned in said motion and such additional testimony not being deemed necessary at this time, it is the opinion of this Commission that the motion to reopen said case should be denied, and it is so ordered.

T. B. Needles.

Commissioner.

[illegible] OF THE [illegible],

CONSISTING OF THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August [illegible], 1908.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr., et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al.,..	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

S U P P L E M E N T A L S T A T E M E N T.

An examination of the 1894 Cherokee strip payment roll shows that the applicants herein are identified on said roll as follows:

Gilbert T. Thompson, Sr.,.....	Cooweescoowee	District,	[illegible]
Gilbert T. Thompson, Jr.,.....	"	"	[illegible]
Matthew Thompson,.....	"	"	[illegible]
Allison Thompson,.....	"	"	[illegible]
Ernest W. Thompson,.....	"	"	[illegible]
David Thompson,.....	"	"	[illegible]
Ernest Thompson,.....	"	"	[illegible]
Allison S. Thompson,.....	"	"	[illegible]
James K. Thompson,.....	"	"	[illegible]

Copies of this statement are ordered filed herein and made a part of the record in the above entitled cause.

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gilbert T. Thompson, Sr. et al. as citizens by blood of the Cherokee Nation, consolidating the applications of

Gilbert T. Thompson, Sr., et al....	Cherokee	D 3
Allison Thompson, et al.,.....	"	D 4
Ernest Thompson, et al.,.....	"	D 5
James K. Thompson, et al.,.....	"	D 6

D E C I S I O N .

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission, by Gilbert T. Thompson, Sr. for himself, his adult son, Gilbert T. Thompson, Jr., and his minor son, Matthew Thompson; by Allison Thompson for himself and his minor children, Ernest W. and Mamie Thompson; that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Allison Archibald Thompson, and the same is made a part of the record herein; by Ernest Thompson for himself and his minor children, Allison G., Ernest T. and Hugh C. Thompson; and by James K. Thompson for himself; and that subsequent to the date of his original application an affidavit was filed with the Commission as to the birth of his minor child, Joseph G. Thompson, and the same is made a part of the record herein. Copies of the testimony taken at Tahlequah, Indian Territory, July 28, 1903, in the case of Cleo T. Reid, et al. are made a part of the record herein.

The evidence shows that on September 7, 1883, the said Gilbert T. Thompson, Sr. and his sons, Allison Thompson, Ernest Thompson, James K. Thompson and Gilbert T. Thompson, Jr., were admitted, with others, as citizens by blood of the Cherokee Nation by the duly constituted authorities of said Nation; that the said Matthew Thompson was a minor, and is considered to have been a member of the family of his father, Gilbert T. Thompson, Sr., at the time of the latter's admission to citizenship; that all the said minor applicants herein are the descendants of said Gilbert T., Sr., Allison, Ernest and James K. Thompson respectively; and that all of said descendants, except Matthew Thompson, were born since the admission of their said ancestors to citizenship, as above mentioned.

It further appears that all the applicants herein, except Allison Archibald, Ernest T., Hugh C. and Joseph G. Thompson, are identified on the 1894 Cherokee strip payment roll. The four minor applicants last mentioned are identified by birth affidavits made a part of the record herein.

The evidence further shows that the said Gilbert T., Sr., Allison, Ernest and James K. Thompson removed to and in good faith settled in the Cherokee Nation in 1883 and resided therein about one year; that about 1884 they left the Cherokee Nation and have not since that time and prior to June 28, 1898, resided in said Nation. It does not appear that they ever removed their effects from the Cherokee Nation, or become citizens of any other government. On the contrary, they have each retained interests in property in said Nation from 1883 up to the date of their applications herein. It is considered that the residence of said minor applicants has been the same as that of their said parents.

The evidence further shows that the said Gilbert T. Thompson, Jr. was a minor on June 28, 1898, and his residence up to and including said date is considered to have been the same as that of his father, Gilbert T. Thompson, Sr.

It is, therefore, the opinion of this Commission, following the decision of the Department in the cases of Joseph D. Yeargain, et al. (I.T.D. 2900-1903), and Martha Hill, et al. (I.T.D. 3886-1903), that the said Gilbert T. Thompson, Sr., Gilbert T. Thompson, Jr., Matthew Thompson, Allison Thompson, Ernest W. Thompson, Annie Thompson, Allison Archibald Thompson, Ernest Thompson, Allison G. Thompson, Ernest T. Thompson, Hugh C. Thompson, James K. Thompson and Joseph G. Thompson should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Commissioner.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this OCT 28 1903

COPY.

Muskogee, Indian Territory, November 16,1903.

Cherokee D-3,4,5,6.

I hereby withdraw the protest of the Cherokee Nation heretofore filed against the decision of the Commission to the Five Civilized Tribes, dated October 28,1903, granting the application for the enrollment of Gilbert T., Sr., Gilbert T., Jr., Matthew, James K., Joseph G., Allison, Ernest W., Mamie, Allison A., Allison G., Ernest T. and Hugh G. Thompson as citizens by blood of the Cherokee Nation.

signed N. W. Hastings
Attorney for the Cherokee Nation

lc. Dla.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 10 1901

ACTING CHAIRMAN

Muskogee, Indian Territory, December 10th, 1901.

Mr. James K. Thompson,

Care of Milton K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

On Friday, May 11th, 1900, at Muskogee, Indian Territory, you made application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

The testimony taken at that time is found to be incomplete, and you are desired to again appear before the Commission at Muskogee as soon as practicable after the 4th day of January, 1902, for the purpose of giving further testimony in the matter of your application.

Do not fail to give this matter your prompt attention, as your case cannot be proceeded with until further testimony is obtained.

Please present this letter when you appear before the Commission.

Yours truly,

Commissioner in Charge.

Cherokee No. B.6.

18 26

CO[illegible] [illegible]

FI[illegible]LED
JAN [illegible] 1902

[illegible] ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBECK.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1902

Mr. James K. Thurgood,

Calvert, Texas.

SIR:

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

18th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Chairman, D-4
Enrollment.

Acting Chairman.

Cherokee D-6

Muskogee, Indian Territory, August 27, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's order dated August 24, 1903, denying your motion of October 16, 1902, to reopen Cherokee case D-6, James K. Thompson et al.

Respectfully,

Enc. D-192

Chairman.

Cherokee D-6

Muskogee, Indian Territory, August 27, 1903

James K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's order of August 24, 1903, denying the motion of the Cherokee Nation of October 16, 1902, to reopen Cherokee D-6, James K. Thompson et al.

Respectfully,

Chairman.

Enc. D-198

COPY.

Cherokee D-6.

Muskogee, Indian Territory, 16, 1908.

James K. Thompson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 25, 1908, granting, among others, your application for the enrollment of yourself and your minor child, Joseph G. Thompson, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby,
Chairman.

Register.

Rm. V-5.

Cher 10347

Charlotte C. Martin

Trans. from D 333

Cher 10347

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., September 18, 1900.

In the matter of the application of Lottie Martin for enrollment of herself, husband and three children as citizen s of the Cherokee Nation, said Martin being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Lottie Martin.
Q What is your age? A Thirty-eight.
Q What is your postoffice address? A Vinita.
Q What District do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes.
Q What degree of blood? A 1/8.
Q For whom do you apply for enrollment? A Myself, husband and three children.
Q What was your fathers Name? A Joshua Duncan.
Q Is he living? A No sir.
Q What was your mother's name? A Elizabeth Ray.
Q Is she living? A No sir.
Q What is the name of your husband? A John S. Martin.
Q Is he a non-citizen? A Yes.
Q When were you married to him? A '89.
~~Q Have you a certificate of marriage? A Yes.~~
Q His father and mother are non-citizens? A Yes.
Q What was your name ~~and~~ in '80? A Charlotte Duncan.
Q Is Martin your first husband? A No sir, I have been married twice
Q What was your for er Husband's name? A Rudolph Haegert.
Q When were you married to him? A '91. ('81?)
Q Is he living? A I dont know, I am not living with him.
Q What are the names of your children? A Rudolph Haegert, 19 years old.
On '19 roll, page 178, No.~~22~~ 2283, as Hagert.
Q Next? A ViolaHaegert, 16 years old.
On '96 roll, page 178, No.2284, as Hagert.
Q Next ? A John S. Martin, Jr., 8 years old.
On '96 roll, page 216, No. 3312, as John Martin, Jr.
Q Are these children alive and living with you at this time?
Q Yes.
Q Always lived in the Cherokee Nation? A Yes.
Q Always lived in the Territory? A Yes.
Applicant on '80 roll, page 248, No.324, as Charlotte C. Duncan;
On '96 roll page 216,No.3311,
Applicant's husband on '96 roll, page 315,No.688,as John I. S. Martin.

BY. W.T.HUTCHINS, Cherokee attorney.
Q Where was Haegert living when you married him? A Ft. Gibson, Cherokee Nation.
Q How long after you married him did you remove from the Cherokee Nation. A We lived here.
Q How long did you live in Nebraska? A We were out about a year.
Q Which of your children were born in Nebraska? A Viola.
Q How long did you live separated from him in Nebraska? A Not quite a year.
Q Did he marry you according to Cherokee law? A We were married by the Justice of the Peace at Ft. Gibson.
Q Did you ever get a divorce from him? A Yes.

Q In what Court? A In the court in Nebraska.
Q You had not been living there but a year? A Yes, we were separated and I got a divorce and came home.
Q You separated from him and got a divorce? A Yes.
Q You swore in the petition that you were a bona fide citizen of the State of Nebraska? A I dont know anything about it.
Q You have never been readmitted to citizenship since you returned from Nebraska? A I dont know; was not out long enough to know about it.
Q You were out long enough to make a residence in the state of Nebraska and bring a suit for divorce and get it. A I did not have to be out more than six months to apply for a divorce.
Q

The name of Lottie Martin appears upon the authenticated roll of '80 and Charlotte C. Duncan, and upon the census roll of '96 as Lottie Martin. She avers that she was married to John S. Martin in '89 and certificate of marriage is filed herewith. She avers that she was married to one Haegert, a white person, in the year '81, and that she was separated from him and while being separated from him she lived in the state of Nebraska. The names of her children, Rudolph, and Viola Haegert and John S. Martin, Jr. are found upon the census rolls of '96. Because of the question of citizenship, final judgment as to the enrollment of said Lottie Martin and her husband, John S. Martin, will be suspended and their names will be placed upon a doubtful card and also the name of her child, Viola, who was born in the state of Nebraska. Her child, Rudolph Haegert, being found upon the roll of '96 and having been born in the Territory, will be duly listed for enrollment as a Cherokee by blood. The said John S. Martin, a child by her husband John S. Martin, will be placed upon a doubtful card. Final judgment as to her case will be suspended.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) B. McDonald.

Subscribed and sworn to before me this 21st day of Sept., 1900.

(Signed) C. R. Breckinridge,
Commissioner.

I, the undersigned, state upon oath that as stenographer to the Commission to the five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this 8th day of February, 1904.

Simon P. Wallingford
Notary Public

(COPY)

SUPPLEMENTAL TESTIMONY IN THE APPLICATION OF CHARLOTTE MARTIN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., Septermber 25, 1900.

In the matter of the application of Charlotte Martin, for enrollment as a citizen of the Cherokee Nation; said Martin being sworn by Commissioner C. R. Breckinridge, supplements her application as follows:

Q Give your name? A Charlotte Martin.
Q What is your age madam:? A About 38.
Q You want to give supplementary testimony in your former application? A Yes sir.

Interrogatories by W. T. Hutchins, Cherokee Representative.

Q Give the name of your first husband? A Rudolph H. Haegert.
Q Did you and he during your mar ied life remove from the Indian Territory; if so state where you went and whether you intended to move permanently from the Nation? A No we did not intend to move permanently, he went off to hunt a job of work; he was a sheep man, a sheep herder I would call him by profession, and he went away to hunt him a job.
Q State where he went to? A He went from here to Nebraska and he left me in Carney, Nebraska, and he went on to hunt a job.
Q How long were you in Nebraska? A I would judge about three years or something like that time.
Q Do you know whether your husband while your relation with him as man and wife, became a citizen in the State of Nebraska?
Q I do not know that he did.
Q Where did you consider your home at that time? A At Unlce Jim Duncan's, up here on Horse creek, about nine or ten miles from here/ I was staying there, he went ahead of me and I went next. I lived out here with my mother, we never had any home. There is another thing I want to correct. Was, Viela, they threw her out because I understand that they understood that she was either born nine days before or nine days after our divorce. She was a year and almost a year and a half old when I got my divorce, and from the way the law reads I do not think she had lost her rights when she was born.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 26 day of September, 1900.

C. R. Breckinridge,
Commissioner.

The undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the original transcript.

P Palmer

Subscribed and sworn to before me this 8th day of February, 1904.

Simon R. Wallington
Notary Public.

(COPY)

File with CherokeeDoubtful 333.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., October 26, 1901.

In the matter of the application of John S. Martin etal for enrollment as Cherokee citizens.

ORDER AND STATEMENT.

Commissioner Breckinridge: Upon review of Cherokee straight case No.2962, entitled Rudolph Haegert et al, it is found that the mother of Rudolph Haegert by reason of the possible forfeiture of her citizenship after his birth, was placed upon a doubtful card No. 333, as was also her second husband, John S. Martin, and also a child of the second marriage, whose name is John S. Martin. But inadvertently the name of this child has been placed upon a straight card with the child of undisputed citizenship, Rudolph Haegert. It is not ordered that this child, John S. Martin, be designated as John S. Martin, Jr. and that his name be transferred from straight card 2962 to doubtful card 333; and it is also ordered that John S. Martin, the father of this child, be designated upon the card as John S. Martin, Sr. and the same correction will be carried through the index, all the record being made to conform to present requirement.

A copy of this order will be filed attached to each copy of the testimony in both of said cases.

M. D? Green, being frist duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this October 26, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

I, the undersigned, state on oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

Mary Hudson

Subscribed and sworn to before me this 6th day of February, 1904.

[illegible]
Secretary.

"E"

Cherokee D-313.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 26, 1902.

Supplemental proceedings in the matter of the application of John H. Martin, et al., for enrollment as Cherokee citizens.

Appearances:
W. W. Hastings, Attorney for Cherokee Nation.

BY COMMISSION:

The applicant was notified by registered letter February 6, 1902, that this case would be taken up for final consideration by the Commission on the 25th day of February, 1902; that he could on said date appear in person or by attorney before the Commission, when opportunity would be given him to introduce any additional testimony affecting his case. Receipt has been acknowledged of the Commission's letter; the applicant called three times and fails to respond, and this case is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The applicant this day forwards to the Commission a certified copy of the decree of divorce between Charlotte E. Nagert and Rudolph H. Nagert and the same has been duly filed.

T. B. Needles,
Commissioner.

MEG

I, the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and correct copy of the original transcript.

R P Blue

Subscribed and sworn to before me this 8th day of February, 1904.

Simon B. Wolkowitz
Notary Public

COPY. Cherokee D-333.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. October 14, 1902.

In the matter of the application of John S. Martin, Sr., for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lottie Martin, his step-daughter, Viola Haegert, and his son, John S. Martin, Jr., as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

John S. Martin, Sr., being sworn, testified as follows:

BY THE COMMISSION:
Q What's your name Mr. Martin? A John S. Martin.
Q John S. Martin, Sr.? A Yes sir.
Q What's your postoffice? A Vinita.
Q What's your age at thistime Mr. Martin? A 55.
Q Are you the same John S. Martin that made application to the Commission for enrollment as an intermarried citizen in September, 1900.? A Yes sir.
Q What's your wife's name? A Charlotte C. Martin.
Q Charlotte C? A Yes sir.
Q What's her age? A She is about 38 now.
Q What? A About 38 now.
~~Q Is she sometimes called Lottie? A Yes sir, Lottie C.~~
Q But her full name is Charlotte C? A Yes sir.
Q Who made the application for her before? A She did.
Q She gave her name as Lottie? A Yes, more than half the time they call her that, they hardly ever call her Charlotte.
Q When were you married to your wife, Lottie or Charlotte?
A 1879, 27th of January, I think that's the way the license reads.
Q 1879? A '89.
Q Had you ever been married before your marriage to this wife?
A No sir.
Q She's your first wife? A Yes sir.
Q Had she ever been married before her marriage to you? A Yes sir.
Q How many times? A Once.
Q What was her husband's name? A Rudolph Haegert.
Q Was he a white man or Cherokee? A He was a white man.
Q Was he living or dead when you and your wife Charlotte C. were married? A I don't know, she had not heard for years.
Q How long had it been since she heard from him when you and she were married, how many years? A I don't think she heard any straight news but once, she heard he was in Chicago once.
Q How long had it been since she had heard at all? A I can't tell you.
Q Was she ever divorced from him? A Oh, yes.
Q She was divorced before you and she were married? A Yes sir.
Q So you are her second husband then? A Yes sir.
Q Have you lived in the Cherokee Nation all thetime since your marriage to your wife Charlotte C., in 1889 up to the present time?
A Yes sir, right at Vinita.
Q Never lived out of the Territory since? A No sir.
Q How long has your wife Charlotte C. lived in the Cherokee Nation?
A All of her life.
Q Every since you and she were married to your knowledge? A Yes sir.

Q This child, Viola Haggert, whose child is that? A That's Haggert's child.
Q By your wife? A Yes sir.
Q Your wife's child by her first husband? A Yes sir.
Q Is that child living at this time? A Yes sir.
Q Has it lived in the Cherokee Nation all the time? A Only what time I sent her to school in the states.
Q Its home has been in the Cherokee Nation all the time? A Oh yes sir.
Q Whose child is John S. Martin, Jr? A That is mine.
Q Your child by your wife, Lottie? A Yes sir.
Q Is that child living at this time? A Yes sir.
Q Has it lived in the Cherokee Nation all its life? A All the time, the other boy is omxx there, Rudolph.

Retta Chick being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony ~~xxxxxxxxxx~~ and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick.

Subscribed and sworn to before me this 31 day of October, 1902.

B. C. Jones,
Notary Public.

SEAL.

I, the undersigned, being duly sworn, state xx that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and correct copy of the original transcript.....

Subscribed and sworn to before me this 8th day of February, 1904.

Simon P. Wallington
Notary Public.

(COPY)

Cherokee D-353.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. November 18, 1902.

In the matter of the application of Lottie Martin for the enrollment of herself and her two minor children, Viola Haegert and John S. Martin, Jr. as citizens by blood and for the enrollment of her husband, John S. Martin, Sr. as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN S. MARTIN, Sr., being sworn, testified as follows:

By the Commission:

Q What is your name? A John S. Martin.
Q How old are you, Mr. Martin? A About fifty-five.
Q You are a white man, are you? A Yes sir.
Q And the claimant by enrollment as an intermarried citizen?
A Yes sir.
Q What is your wife's name? A Lottie C. Martin. Charlotte.
Q What was her name prior to her marriage to you? A Haegert
Q She had been married to a man by the name of Haegert before her marriage to you? A Yes sir.
Q What was her maiden name? A Lottie C. Duncan.
Q When were you married to Lottie Martin? A '89 or '90, I forget which.
Q Married under Cherokee license were you Mr. Martin? A Yes sir.
Q Were you ever married before you were married to Lottie Martin?
A No sir.
Q She was only married the one time prior to her marriage to you?
A That's all.
Q Have you and Lottie Martin lived together as husband and wife all the time since your marriage up to the present time? A All the time.
Q Never have been separated? A No sir.
Q And you have never been married to any other woman? A No sir.
Q You and she living together as husband and wife on the 1st day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to Lottie? A All the time, yes sir.
Q Have these children, Viola Haegert and John S. Martin, Jr. lived with you and your wife all the time since you were married to her? A Yes sir, all the time.
Q In the Cherokee Nation? A Yes sir, in the Cherokee Nation.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application and that the above is a true and complete transcrip of her stenographic notes thereof.

(Signed) Retta Chick.

Subscribed and sworn to before me this 18th day of November, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, the undersigned, state upon oath that the above and foregoing copy was made by me and is a true and correct copy of the original transcript.

Subscribed and sworn to befor me this 16th day of February, 1906.

Notary Public.

Number of Application [illegible] Coowescoowee.

CHEROKEES BY BLOOD AND ADOPTION.

(50) Date Sep. 18, 1900. 1900.

Name John S. Martin, Vinita, I.T.

District Coowescoowee Year 1898 Page 218 No. [illegible]

Citizen by blood Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License (38) Certificate

Wife's name Lottie Martin, nee Duncan

District Delaware Year 1880 Page 248 No. 224

Citizen by blood Yes 1/8th Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

3 Rudolph Haggert	Dist. Coowescoowee	Year 1896	Page 178	No. 2283	Age 18
4 Viola Haggert	Dist. "	Year "	Page "	No. 2284	Age 16
5 John S. Martin, Jr	Dist. "	Year	Page "	No. 3312	Age [illegible]
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

3 On 1896 roll as John I. S. Martin

2 on 1880 roll as Charlotte C. Duncan

3 On 1896 Roll as Rudolph Haggert.

4 On 1896 Roll as Viola Haggert.

5 On 1896 roll as John Martin, Jr.

(COPY)

Cherokee D-333

Department of the Interior,
Commission to the Five Civilized Tribes, CR

In the matter of the application of Charlotte C. Martin for the enrollment of herself and her minor children, Viola Haegert and John S. Martin Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin Sr., as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on September 18, 1900, Charlotte C. Martin appeared before the Commission at Vinita, Indian Territory, and made personal applucation for the enrollment, among others, of herself and herminor children, Viola Haegert and John S. Martin Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin Sr., as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matterof said applications were had at Vinita, Indian Territory, on September 28, 1900, on October 25, 1901, and at Muskogee, Idnian Territory October 14 and November 18, 1902. The other party to this application is differently classified and is not embraced in this decision.

The evidence shows that said Charlotte C. Martin is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, by her maiden name, Charlotte C. Duncan. From an examination of the records of the Cherokee Nation in possession of the Commission, it appears that Charlotte C. Martin and Viola Haegert, by the name of Viola Martin, are identified as native Cherokees on the 1890 census roll of said nation; and that John S. Martin Sr. is identified thereon as an adopted white; that Charlotte C. Martin and Viola Haegert, by the name of Viola Martin, are identified on the 1894 strip payment roll of said nation. The name of John S. Martin appears on the orphan roll of the 1894 strip payment. The evidence further shows that Charlotte C. Martin, Viola Haegert and John S. Martin Jr. are identified as native Cherokees on the 1896 census roll of the Cherokee Nation and that John S. Martin Sr. is identified thereon as an adopted white.

It further appears that in 1881 Charlotte C. Martin nee Duncan was married at Fort Gibson, Indian Territory, to Rudolph Haegert and the child, Viola Haegert, is the issue of that marriage. Subsequent to said marriage they removed to the state of Nebraska where the said Charlotte C. Martin, then Haegert, remained about three years. While there she applied for and was granted a divorce from the said Rudolph Haegert in the District Court of Custer County, Nebraska. After such divorce she returned to the Cherokee Nation where on January 27, 1889, she was lawfully married under a Cherokee license and in accordance with the laws of the Cherokee Nation to John S. Martin Sr., her present husband, and John S. Martin Jr. is the issue of the latter marriage.

The evidence further shows that Charlotte C. Martin has resided in the Cherokee Nation all her life, except during the period of about three years spent in Nebraska, which was sometime between the years of 1881 and 1889; that the said John S. Martin has resided in the Cherokee Nation since the date of his marriage in 1889, and that he and his wife, Charlotte C., have been living together from the time of their marriage up to and including September 1, 1902. The minor children herein have always [illegible] of said nation, excepting Viola she was born in Neb[illegible]

lived there with her mother for the said perios of about three years.

Article II of the treaty concluded between the United States and the Cherokee Nation at Tahlequah, Indian Territory, on December 19, 1891, approved by the Principal Chief on January 4, 1892, and ratified by an act of Congress approved March 1, 1893, (27 Stats. L 612-641) provides as follows:

"For and in consideration of the above cession and relinquishment, the United States agrees:

First, That all persons now resident, or who may hereafter become residents in the Cherokee Nation and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of the treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section six of the treaty of 1866; and section twenty-six and twenty-seven of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the Principal Chief of the Cherokee Nation."

Upon examination of the lists of intruders and unauthorized persons residing in the Cherokee Nation, furnished by the Principal Chief pursuant to said treaty, which lists bear date of 1893 and are now in the possession of the Commission, it appears that the names of none of said applicants are found thereon. On the contrary it appears that the applicant, Charlotte C. Martin, has been identified on every tribal roll of said nation made since her return from Nebraska.

It is, therefore, the opinion of this Commission that Charlotte C. Martion, Viola Haegert and John S. Martin Jr. should be enrolled as citizens by blood of the Cherokee Nation, and that John S. Martin Sr. should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(signed) Tams Bixby
Acting Chairman.

(siged) T. B. Needles
Commissioner.

(signed) C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,
this Jan 28 1903

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., February 2nd, 1903.

- - - - - - - - - - - - - -

IN THE MATTER OF THE APPLICATION OF LOTTIE MARTIN FOR THE ENROLLMENT OF HERSELF, HUSBAND AND THREE CHILDREN AS CITIZENS OF THE CHEROKEE NATION.

- - - - - - - - - - - - - -

D-338.

- - - - - - - - - - - - - -

PROTEST OF THE CHEROKEE NATION.

- - - - - - - - - - - - - -

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on January 28, 1903, and asks that the same be forwarded to the Secretary of the Interior for review.

The only question to be considered in this case is that of residence on the part of Lottie Martin, and the testimony shows that Lottie Martin remained in the state of Nebraska for a period of three years. She had been previously married to a white man, who she says was a sheep-herder, and while in the state of Nebraska she brought suit against her husband for divorce, and obtained it in the Courts of that State. A copy of the divorce has been filed in this case. There is no question but that the applicant must have been a citizen and resident of the State of Nebraska, and she must have so alleged it in her complaint for divorce while in that state, or else she would not have been granted a decree of divorce, and if she were a citizen and resident of the State of Nebraska, she could not have been at the same time a resident of the Cherokee Nation. Since that time there is no allegation that she has ever been re-admitted to citizenship in the Cherokee Nation, and it seems quite clear that the applicant forfeited her right to be enrolled as a citizen of the Cherokee Nation by her non-residence in the State of Nebraska, and by her bringing suit for divorce in that State, thereby recognizing it as her home, and invoking the aid of its laws.

The Cherokee constitution, section 2, article 1 provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, provided, nevertheless, that the National Council shall have the power to re-admit by law to all the rights of citizenship in such person or persons who may at any time desire to return to the Nation, on memorializing the National Council for such re-admission."

The applicant, Lottie Martin, left the Cherokee Nation with her former husband. She took all the effects she had with her. She became a resident [illegible] Nebraska, and a citizen of the state of Nebraska and she did not, upon her return memorialize the National Council and was not re-admitted to citizenship in the Cherokee Nation. This woman, under the law, is not entitled to be enrolled and to say the least, the reasoning used by the Commission in its decision of January 28, 1903, is indeed surprising. The

Commission find the facts as herein above stated, but says that under article II of an agreement entered into by and between the Cherokee Nation and the government of the United States, it was incumbent upon the government of the United States to remove all of the intruders from the limits of the Cherokee Nation upon the demand of the Principal Chief of the Cherokee Nation, and that upon an examination of the list prepared by the Principal Chief, the name of the applicant is not found thereon, and therefore the Commission reasons that the applicant was not an intruder and is entitled to be enrolled as a citizen of the Cherokee Nation.

It is perfectly well known to the members of the Commission, as it is known to the government of the United States, that the treaty above referred to was entered into by the Cherokee Nation in good faith, that by its terms the Cherokee Nation ceded to the government of the United States the Cherokee strip; that one of the considerations was the removal of all intruders, and it is perfectly well known that although hundreds of appeals were made, not one single intruder was ever removed, and because of the fact that the government of the United States failed to comply with the terms of this Agreement, it is well known that the Cherokee gave up in despair, and never made a complete list of the intruders in the Cherokee Nation. If this intruder roll is the test, and all persons whose names do not appear thereon are entitled to be enrolled as citizens of the Cherokee Nation, then the Commission should enroll every person whose name appears upon a doubtful card, because - we venture the assertion, -- that not one name in 20 of the so-called "intruders" appears upon this list that the Principal Chief prepared and attempted to have removed. Why complete the list when the government flatly refused to comply with its treaty provisions? If this woman is entitled to be enrolled as a citizen of the Cherokee Nation, we trust that it will be placed upon the ground of Charity, and not upon the reasoning indicated by the Commission in its judgment, because that precedent would open the door to the admission of every one who applies to be enrolled as a citizen of this Nation.

Whoever before heard of purely negative testimony admitting a person to citizenship in a Nation where that citizenship was worth three hundred and twenty-five dollars?

Respectfully submitted,

(Signed) W. W. Hastings)

Attorney for the Cherokee Nation.

MH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1906

JOR

Cherokee 10347.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., May 2, 1905.

In the matter of the application of Charlotte C. Martin for the enrollment of herself and children, Viola Haggard and John S. Martin, Jr., as Cherokees by blood. No. 10347.

CHARLOTTE C. MARTIN, being duly sworn and examined by the Commission, testified as follows:---

Q What is your name? A Charlotte C. Martin.
Q How old are you? A I don't have to tell that.
Q You are of lawful age? A Yes sir.
Q Have you a daughter named Viola? A Yes sir.
Q Is she married? A Yes sir.
Q What is the name of her husband? A Frank T. Martin.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q He's a white man? A He's a white man.
Q When were they married? A They were married the 8th day of March, 1903. Been married two years in March.
Q They are living together now are they? A Yes sir.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me this 5th day of June, 1905.

Samuel Foreman
Notary Public.

JC

(COPY)

Cherokee D-333.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Charlotte C. Martin for the enrollment of herself and her minor children, Viola Haegert and John S. Martin, Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin, Sr., as a citizen by intermarriage, of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. H-1.

MH

(COPY)

Cherokee D-333.

Muskogee, Indian Territory, February 16, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charlotte C. Martin for the enrollment of herself and her two minor children, Viola Haegert and John S. Martin, Jr. as citizens by blood and for the enrollment of her husband, John S. Martin, Sr. as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, copy of which protest is enclosed.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc.M-87

Through the

Commissioner of Indian Affairs.

MH

(COPY)

Cherokee D-333

Muskogee, Indian Territory, February 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Charlotte C. Martin for the enrollment of herself and her two minor children, Viola Haegert and John S. Martin Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin Sr., as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated January 28, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 3, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

(xxx)

(COPY)

Cherokee D-333

Muskogee, Indian Territory, November 16, 1903.

John S. Martin, Sr.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 28, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage, for the enrollment of your wife, Charlotte C., your minor child, John S. Jr., and your minor step-daughter, Viola Haegert, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself, on November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

MH

(COPY)

Cherokee D-333.

Muskogee, Indian territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 28, 1903, granting the application of John S. Martin, Sr., for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Charlotte C., his minor child, John S. Jr. and his minor step-child, Viola Haegert, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except himself, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

MH

(COPY)

Cherokee D-338

Muskogee, Indian Territory, November 16, 1903.

Edgar Smith,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 28, 1903, granting the application of John S. Martin Sr. for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Charlotte C., his minor child John S. Jr., and his minor step-child, Viola Haegert, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except himself, November 7, 1903.

Respectfully,

(signed) Tams Bixby

Chairman.

(MPM)

(COPY)

Cherokee D-333

Muskogee, Indian Territory, February 16, 1904.

Edgar Smith,

Attorney for John S. Martin Sr., et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings hadin the matter of the application of Charlotte C. Martin for the enrollment of herself and her two minor children, Viola Haegert and John S. Martin Jr., as citizens by blood, and for the enrollment of her husband, John S. Martin Sr., as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision dated January 28, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. M-288
Register

(signed) Tams Bixby
Acting Chairman.

(COPY)

Cherokee D-333

Muskogee, Indian Territory, February 16, 1903.

Charlotte C. Martin,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting your application for the enrollment of yourself and your two minor children, Viola Haegert and John S. Martin Jr., as citizens by blood and for the enrollment of your husband, John S. Martin Sr., as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(signed) Tams Bixby

Chairman.

Enl. W.-66

Registered.

Cher 10348

Elmer Dupree

Trans. from D403

Cher 10348

Department of the Interior,

Commission to the Five Civilized Tribes,

Vinita, I. T., September 24, 1900.

IN THE MATTER OF THE APPLICATION OF WILLIAM E. DUPREE FOR THE ENROLLMENT OF HIMSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said William E. Dupree, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A William E. Dupree.
Q How old are you? A Forty-three.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and children.
Q How many children? A Seven children.
Q Do you apply for yourself as a cherokee by blood? A Yes, sir
Q What proportion of Cherokee blood do you claim?
A One-eighth.
Q How long have you lived in the Cherokee Nation?
A Ten years.
Q Were you admitted to citizenship by the Cherokee Commission on citizenship? A Yes sir.

THE COMMISSIONER: The applicant presents a duly authenticated copy of an act of the Cherokee Commission on Citizenship, showing that on September 10th, 1889, certain persons were admitted to citizenship by said Commission, and among them appears the name of William Deupree. Is that your name? A Yes, sir.
Q Age then given as thirty years. That was your age at the time that application was made, was it, in 1889? A Yes, sir.
THE COMMISSIONER: This is recognized as official evidence of the admission of the applicant.
Q Give me the name of your father? A Dr. W. J. Deupree.
Q Cherokee or white man? A Whiteman.
Q Is he dead or alive? A He is dead.
Q How long has he been dead? A He died in 1892.
Q Give the name fo your mother, please? A A Charlotte E. Deupree.
Q Cherokee or white woman? A She is a Cherokee.
Q Is she dead or alive? A She is living.
Q Now, have you lived in the Cherokee Nation ever since you came here 10 years ago? A Yes sir.
Q You have made it steadily your home? A Yes sir.
Q Give the names of your children please? A Elmer.
Q How old is that child? A Seventeen.
Q The next child? A Herbert.
Q How old is he? A Thirteen.
Q The next child? A Emma.
Q How old is she? A She will be 12 in December.
Q The next child? A Wright.
Q How old is that child? A He is ten.
Q The next child? A Bessie.

Q How old is she? A She is eight.
Q The next child? A Fred.
Q How old is he? A Five years old.
Q The next child? A Annie.
Q How old is she? A She is one year old.
Q Now, some of these children were admitted at the same time you were, were they not? A I don't know, sir.
Q Well, they were living at that time? A Yes, sir.
Q What is your wife's name? A Fannie L. Deupree.
Q What is your wife's age? A Thirty-nine now.
1896 Roll, page 145, No. 1387, Wm. E. Dupree, Cooweescoowee District, Native Cherokee.
1896 Roll, page 301, No. 293, Fannie Dupree, Cooweescoowee District.
1896 Roll, page 145, No. 1388, Elmer Dupree, Cooweescoowee District.
1896 Roll, page 145, No. 1389, Herbert Dupree, Cooweescoowee District.
Q What was the exact date of your coming to the Cherokee Nation? A It was the 15th of December, 1900.
1896 Roll, page 145, No. 1390, Emma Dupree, Cooweescoowee District.
1896 Roll, page 145, No. 1391, Wrig t Dupree, Cooweescoowee District.
Q Can you give the exact dates of the birth of all these Children? A Elmer, born 24th of October, 1883; Herbert was born 2nd of April, 1887, Emma Was born 12th of December, 1888, Wright was born the 10th of October 1890; Bessie was born in 1892, May 26th, and the balance born since.

1896 Roll, page 145, No. 1392, Bessie Dupree, Cooweescoowee District.
1896 Roll, page 145, No. 1393, Fred Dupree, Cooweescoowee District.
Q Now, your application for admission was made October 5th, 1887, wasn't it? A Yes sir.
Q Which ones of these children were born since you applied in October, 1887? A Was Herbert born then? A He is thirteen years old; he was born April 2nd, 1885, I believe, and Emma was born in 1887. No, let's see, she was born 1888.
Q Then Emma is included among those children since you were admitted? A Yes sir.
Q You only moved here ten years ago? A Yes, sir.

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and seven children. He is shown to have been admitted to Cherokee citizenship in 1889. He has lived in the Cherokee Nation for ten years. He is identified on the roll of 1896, and he will be listed for enrollment now as a Cherokee by blood. His wife is identified with him on the roll of 1896, but she is not included with him in terms in the act of admission, and the application for her enrollment will be listed at this time upon a white card for further consideration.

It appears that two of the children, Elmer and Herbert, two older children, were born before the applicant applied for admission to Cherokee citizenship. They are identified with him on the roll of 1896. Their application will be listed at present upon a white card for further consideration. The same course will be taken with regard to the application for the enrollment of the child Emma and the child Wright, who are identified on the roll of 1896 as it is desired to consider the questions of law which naturally arise in connection with these cases, in view of the differences of date between the application and the admission and the time when the applicant moved into the Cherokee Nation.

As for the three younger child, Bessie, Fred and Annie, Bessie and Fred are identified on the roll of 1896 with their father and mother, and they will be listed for enrollment now as Cherokees by blood, and the same course will be pursued in regard to Annie when the Commission is supplied with a proper certificate of her birth.

The applicant is enjoined to supply the Commission with a copy of his document of admission.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Wm. I. Wellshear.

Subscribed and sworn to before me this 5th day of October, A. D. 1900.

C. R. Breckinridge,
Commissioner.

-----o-----

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the foregoing is a true and correct copy of the above testimony now on file in the Cherokee Land Office.

George R. Smith

Subscribed and sworn to before me this the 26 day of January, 1903.

Samuel Forman
Notary Public.

10348

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1 39 Wife's name Fannie L. Dupree Minor of T.

District COOWEESCOOWEE. Year 1896 Page 301 No. 293

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Elmer Dupree	Dist. COOWEESCOOWEE.	Year 1896	Page 145	No. 1388	Age 17
3 Herbert "	Dist. "	Year "	Page 145	No. 1389	Age 13
4 Emma "	Dist. "	Year "	Page 145	No. 1390	Age 12
5 Wright "	Dist. "	Year "	Page 145	No. 1391	Age 10
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 Cr 1896 Roll as Fannie Dupree
3 Cr 1896 Roll as Hubert Dupree

3384
403

KH03

DEPARTMENT OF
COMMISSION TO THE
FILED
MAR 31 1902

Supl to D 403

-Copy-

(Senate Bill No. 32).

An Act creating a Commission on Citizenship.

Be it enacted by the National Council: That there is hereby created a Commission on Citizenship which shall consist of three persons, who shall be elected by a joint vote of the National Council and one of whom shall be elected in like manner Chairman of the Commission, and who shall be commissioned by the Principal Chief and who shall constitute a Commission for hearing and determining all applications for Citizenship in the Cherokee Nation, heretofore made under the Act approved December 8th 1886, entitled "An Act providing for the appointment of a Commission to try and determine applications for Cherokee citizenship" that remains upon the docket of the Commission appointed under said Act, and which were not determined by it, together with those applicants mentioned in the amendment to the before named act dated Feb'y 7th 1888 whose applications have not been determined by the Commission provided for by the said act of December 8th 1886 and the amendment thereto of February 7th 1887 and May 23rd 1887, and also of all applications referred to it for adjudication by the National Council; but said Commission so created by this act is hereby expressly prohibited from re-opening or re-hearing any application for Citizenship rejected by the said Commission created under the before named act approved December 8th 1886.

Sec. 2nd. Be it further enacted that there be elected as herein before provided for the election of members of the Commission, one attorney to represent the Cherokee Nation before the Commission herein provided for and whose duties shall be the same as is prescribed in the second section of said act approved December 8, 1886, and there shall be appointed one Sheriff, one interpreter, and two clerks in the same manner and with the same conditions, as is provided in the first section of the said act of December 8th, 1886, and the act approved February 7th 1888, provided however that the interpreter shall be paid only as his services may be needed and for the time actually served.

Sec. 3. Be it further enacted that the duties of the Sheriff, interpreter and clerks herein provided for shall be the same as is prescribed and provided for respectively in sections three, four and five of the said act of December 8th 1886.

Sec. 4. All officers herein provided for shall take an oath to support the constitution and laws of the Cherokee Nation and the Commission shall organize within twenty days after their election and after giving thirty days notice in the Cherokee Advocate, the Indian Chieftain, Indian Arrow and Telephone newspapers shall proceed to hear and determine all causes herein provided for and in hearing such causes the Commission shall be governed by the conditions and requirements of the (7th) seventh, tenth and eleventh sections of the said act of December 8th 1886 and the pay of the officers of the said Commission shall be the same as is provided for in section twelve of said act.

Sec. 5. Be it further enacted, that the Commission shall through the office of the Principal Chief and not later than the second Monday in November 1889 report their proceedings in full for the information of the National Council at which time the Commission hereby created shall expire by limitation.

Sec. 6. Be it further enacted, That all persons to whom certificates of citizenship shall be issued by the decree of the Commission on Citizenship created by this act, shall be required as a condition precedent to the delivering of the said certificates to return to and permanently locate within the limits of the Cherokee Nation, and it shall be the further duty of all persons to enroll their names, with the names of their families, if any such, at the date of their arrival within the limits of the Nation in a book to be kept for that purpose in the office of the Principal Chief, and on

certificate of citizenship issued by said Commission shall entitle an applicant for admission into the Cherokee Nation for not a longer period than one year from its date, who shall fail to become a bona fide citizen within that period.

Be it further enacted that sections fifteen and sixteen of the said act of December 6th, 1886, having ceased to be operative are hereby repealed.

Passed Senate Dec. 1st 1888.

Lacy Hawkins,
President of Senate.

M. Daniels,
Clk. Senate.

Concurred in by the House Dec. 4th 1888.

Robert Meigs,
Speaker of Council.

R. B. Choate,
Clk. of Council.

Reconsidered by the Senate and passed by the required two third vote

S. H. Benge,
President Senate pro Tem.

M. Daniels,
Clk. Senate.

Reconsidered by the House and passed by the required two thirds majority Dec. 5th 1888.

Robert Meigs,
Speaker of Council.

R. B. Choate,
Clk of Council.

Executive Office Cherokee Nation.
Tahlequah, Ind. Ter.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing one and a fraction pages, is a true and correct copy from the record of laws and acts of the National Council of the Cherokee Nation, made and kept in this office, and now in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 30th day of January, 1908.

B. W. Alberty,
Assistant Executive Secretary,
Cherokee Nation.

(Seal)

I, E. C. Bagwell, on my official oath as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and accurate copy of the original on file with the Commission, as the same was made by me.

E. C. Bagwell.
Stenographer.

Cherokee D 681

Charlotte Dupree.
OFFICE COMMISSION ON CITIZENSHIP.
TAHLEQUAH I. T. Oct 5th 1887.

Docket No.		Age.	Sex.	Post Office	Attorney.
	1 Charlotte Dupree	65	Female	Mineola, Texas	
	2 Emma J. Gray	33	"	" "	
	3 Wm Dupree	30	Male	" "	
994	4 Lela Dupree	25	Female	" "	A. H. Ivey.

Applicant for Citizenship
Census rolls 1835

V.S.
Cherokee Nation. Ancester
John Bell.

OFFICE COMMISSION ON CITIZENSHIP
CHEROKEE NATION IND TER
TAHLEQUAH SEPT 16th 1889

The applicant in the above case having established the facts that she is the daughter of John Bell and his wife, Charlotte Bell, nee Charlotte Adair, from the latter of whom she derives her Cherokee blood, and that she is the sister of James M. Bell, and aunt of L. B. Bell of Delaware and that the names of John Bell and family appears on the Census rolls of Cherokees by blood, taken and made by the United States in the year 1835, is hereby declared to be of Cherokee blood and re-admitted to the rights of citizenship in the Cherokee Nation together with her children Emma J. Gray, nee Dupree, 33 years old, Lelia Dupree 25 years old, and William Dupree 30 years old, Post Office, Mineola, Texas.

Will P. Ross, Chairman.
J. E. Gunter, Com.

Attest
E. G. Ross
Clerk Com.

Executive Department, C. N.
Tahlequah, June 25, 1891.

I, C. J. Harris, Asst Executive Sec'y Cherokee Nation, hereby certify that the decision of the late Citizenship Court on the opposite side of this Sheet is a true and correct copy of the original as recorded in "Book C" of record of the said Court.

Attest my hand and seal of the Cherokee Nation at Tahlequah I.T. on the day above written.

(S E A L)

C. J. Harris
Asst Exec. Secy.
C.N.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy on file in this office.

Ella Mullen

Exception 2 [illegible]

MARRIAGE LICENSE.

[illegible]

The State of Texas (:) Mr. W. E. Bougres

County of Wood (:) to Miss M. L. Wright

To all who shall see these presents, Greeting:

Know ye, that any person legally authorized to celebrate the rites of Matrimony is hereby licensed to join in marriage as husband and wife, Mr. W. E. Bougres and Miss M. L. Wright and for so doing, this shall be his sufficient authority.

Given under my hand and seal of office, at Quitman, this 18th day of January 1888.

Geo. T. Craddock, Clerk C.C.

This certifies that I have joined in marriage, as husband and wife W. E. Bougres and Miss M. L. Wright, on the 11th day of January A. D. 1888.

H. Y. Lindley, Min of Gos.

The State of Texas (:)

County of Wood (:)

I, W. H. Kelley, Clerk of the County Court in and for said County and State, do hereby certify that the above and foregoing is a true and correct copy of the Marriage License issued to W. E. Bougres and Miss M. L. Wright on the 18th day of January 1888, as the same appears of record "A" and on page 270 of the Marriage Records of said County and State.

Given under my hand and seal of office, this the 11th day of Sept. A. D. 1900.

W. H. Kelley,
Co. Clk. Wood Co. Texas.

(S E A L)

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above copy is a true and correct copy of the certified copy on file in this office.

Ella Mullen

Sen Bill No. 32 returned from the Ex Office not approved by the Chief Objections: That if the senate could explain why the emergency does arise in the making of this new departure in electing officers by joint ballot, instead of the usual custom and law he might agree with them. But until that is done I cannot sign such a bill.

Mr. Scrimsener moved to reconsider Sen Bill No. 32 not withstanding the Chief's veto. Bill reconsidered and passed by the required two third vote.

Executive Office Cherokee Nation,

Tahlequan, I. T.

I, B. W. Alberty assistant executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the Senate Journal of the Cherokee National Senate, and shows to be a part of the proceedings in that body on the fourth day of December 1888 and all that is shown on said journal of that day and ate concerning Senate Bill No. 32.; that this Senate Journal has been left in the Executive Office by the Clerk of the Senate for safe keeping and is now in my custody.

Given under my hand and seal of the Cherokee Nation this the 13 day of May, 1902.

B. W. Alberty
Assistant Executive Secretary
Cherokee Nation.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foreboing is a true and correct copy of the original.

Muskogee, Indian Territory,

May 15, 1902. M. S. Kaufman.

GRS

Cher D 403

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of FANNIE L. DUPREE, for the enrollment of herself as a citizen by intermarriage, and her children, ELMER, HERBERT, EMMA and WRIGHT DUPREE, as citizens by blood, of the Cherokee Nation:

FANNIE L. DUPREE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Fannie L. Dupree.
Q What is your post office? A Vinita.
Q What is your age at this time? A Forty one.
Q Are you the same Fannie L. Dupree that made application to this Commission for enrollment as an intermarried citizen of the Cherokee Nation in September, 1900? A Yes sir.
Q What is your husband's name? A William E. Dupree.
Q Is he living? A Yes sir.
Q Is he a citizen by blood of the Cherokee Nation?
A Yes sir.
Q When were you and he married? A In January, 1883.
Q Where were you married? A In Texas.
Q When did you come to the Cherokee Nation.
A We come here in 1890.
Q Had you ever been married prior to your marriage to him?
A No sir.
Q Had he ever been married prior to his marriage to you?
A No sir.
Q Was Mr. Dupree admitted to citizenship after he came here in 1890, or before? A He had been admitted before he moved here.
Q Do you know about when he was admitted?
A I don't know exactly.
Q You were not remarried to him after you removed to the Cherokee Nation? A No sir.
Q Have you and he lived together continuously since you were married? A Yes sir.
Q Were you living together as husband and wife on September 1, 1902? A Yes sir.
Q Never been separated? A No sir.
Q These children, Elmer, Herbert, Emma and Wright, are they all your children by your husband William E. Dupree? A Yes sir.
Q Are these children all living at this time? A Yes sir.
Q Have they lived with you in the Cherokee Nation since you came here in 1890? A Yes sir.
Q Have you lived all the time in the Cherokee Nation or Indian Territory since you came here in 1890? A No, sir, I have never been out.
Q Where have you lived all the time, at Vinita?
A Yes, sir, two miles from Vinita.
Q I believe you stated that you didn't know when Mr. Dupree was admitted to citizenship? A No sir, I don't remember; he was admitted at the same time with his mother and Dr. Crutchfield's family.
Q Was 1890 the first time he came to the Cherokee Nation after you and her were married?
A No sir, he came here in July before.
Q In July, 1889? A Yes sir.

Q What time in 1890 did you come to the Cherokee Nation?
A In December, 1890.
Q He came here the July before that? A Yes sir.
Q That was in July, 1890, was it? A Yes sir, I think he was readmitted before.
Q You and your children have lived in the Cherokee Nation ever since you came here in 1890? A Yes sir.

-----o-----

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell,

Subscribed and sworn to before me this October 21, 1902.

B. C. Jones,
Notary Public.

-----o-----

I, George R. Smith, being first duly sworn, state that, as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and accurate copy of the original testimony now on file in the Cherokee Land Office of the Commission to the Five Civilized Tribes.

George R. Smith

Subscribed and sworn to before me this the 25th day of January, 1904.

Samuel Tonner
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1903.

In the matter of the application of William E. Dupree, et al. for enrollment as citizens of the Cherokee Nation, consolidating the applications of

William E. Dupree et al.....Cherokee 3384

Fannie L. Dupree et al.....Cherokee D-405

SUPPLEMENTAL STATEMENT.

An examination of the 1894 Cherokee strip payment roll, in the possession of the Commission, shows that the applicants are identified thereon as follows:

William E. Dupree, at page 177, #1338, Cooweescoowee District.
Ethel Dupree, at page 177, #1339, Cooweescoowee District.
Herbert Dupree, at page 177, #1340, Cooweescoowee District.
Emma Dupree, at page 177, #1341, Cooweescoowee District.
Wright Dupree, at page 177, #1342, Cooweescoowee District.
Bessie Dupree, at page 177, #1343, Cooweescoowee District.

It is further ordered that copies of this statement be made a part of the record in this case.

C. R. Breckinridge,
Commissioner.

GRS

Cherokee 3354.
Dwo.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William E. Dupree, as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on September 24, 1902, William E. Dupree appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself and minor children, Elmer, Herbert, Emma, Wright, Bessie, Fred and Annie Dupree, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, and October 13, 1902. Fannie L. Dupree, wife of the principal applicant, appeared in person and made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation. She has been differently classified and is, therefore, not embraced in this decision.

The evidence shows that the said William E. Dupree was married on January 11, 1883, to said Fannie L. Dupree and as a result of that marriage, the minor applicants herein were born.

The evidence further shows that on September 10, 1889, the said William E. Dupree, among others, was readmitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, he having made application on October 5, 1887, for such readmission.

It further appears that William E., Elmer, Herbert, Emma, Wright and Bessie Dupree are identified on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll. Fred and Fannie L. Dupree are also identified on the said 1896 census roll. Annie Dupree, having been born since the making of said roll, is identified by a birth affidavit made a part of the record herein.

An act of the Cherokee National Council, approved December 2, 1894, provides as follows:

"Be it enacted by the National Council, That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, That nothing in this act shall bar minors and orphans."

It further appears that the said William H. Dupree removed to the Cherokee Nation on December 16, 1898 and since that time has resided, with his family, in said Nation continuously, up to and including the date of their applications herein; and that by such removal and continued residence he has complied with the provisions of the act above quoted.

It is, therefore, the opinion of this Commission that William H. Dupree, Henry Dupree, Herbert Dupree, Hugh Dupree, Wright Dupree, Ennis Dupree, Fred Dupree and Annie Dupree should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUN 1 - 1903

(COPY)

Cherokee 3354

Muskogee, Indian Territory, January 17, 1903.

Philip G. Reuter,

Clerk in Charge, Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

You are requested to inform the Cherokee Enrollment Division as to the enrollment of William E. Dupree and his minor children, Elmer, Herbert, Emma, Wright and Bessie Dupree, on the 1894 Cherokee strip payment roll, giving the number and page of their enrollment. These applicants are listed on Cherokee Roll Cards #3354 and D. 403.

Respectfully,

Acting Chairman.

(COPY)

Cherokee 3384
Cherokee D-403

Muskogee, Indian Territory, July 8, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, , dated June 1, 1903, granting the application for the enrollment of William R., Elmer, Herbert, Emma, Wright, Bessie, Fred and Annie Dupree, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in these cases. If you fail to file protest within time allowed this decision will be considered final.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enc. D-23

(COPY)

Cherokee 3354
Cherokee D-403

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of William E. Dupree et al., including the Commission's decision dated June 1, 1903, granting the application for the enrollment of William E., Elmer, Herbert, Emma, Wright, Bessie, Fred and Annie Dupree, as citizens by blood of the Cherokee Nation.

~~You are advised that the Cherokee Nation protests against~~ the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C-9

(COPY)

Cherokee 3354
D-403

Muskogee, Indian Territory, August 17, 1903.

Edgar Smith,
Atty. for William R. Dupree et al.,
Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, in the consolidated case of William R. Dupree et al., granting the application for the enrollment of William R., Elmer, Herbert, Emma, Wright, Bessie, Fred and Annie Dupree, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this Case, a copy of which protest has been furnished the principal applicant.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enclosure C-8
Register.

81
93

COPY.

Cherokee D 425

Muskogee, Indian Territory, August 11, 1903.

Fannie E. Dupree,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting, among others, your application for the enrollment of your four minor children, Elmer, Herbert, Emma and Wright Dupree, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needham

Commissioner in Charge.

Enclosure 5-7
Registered

Cher 10349
Frederick Garrett
Trans. from D495

Cher 10349

(COPY)

Cherokee 10548

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., October 2, 1909.

IN THE MATTER OF THE APPLICATION OF FREDERICK GARRETT for the enrollment of himself and children as Cherokees by Shawnee blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your name, please? A Frederick Garrett.
Q How old are you? A I am thirty-nine.
Q What is your postoffice? A Miami.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself and the whole family.
QB Got a wife? A Yes sir.
Q How many children? A Five.
Q Do you apply as a Cherokee by blood? A I am a Shawnee.
Q What is your wife? A A white woman.
Q How long have you lived in the Cherokee Nation? A I have been here altogether all of my life since 18 ago.
Q Have you been here ever since 1869? A I have been out and in, I have been here for the last 15 years.
Q Are you on the roll of 1880? A No sir.
Q You are on the roll of 1896 are you? A Yes sir.
Q Where were you living when you were out of the Territory?
A I was in Kansas at the time the 1880 roll was made, working for my father, I was under age.
Q You came here 15 years ago? A Yes sir.
Q You have been of age 18 years? ; where were you those 3 or 4 years you were of age. A I was still out there in Kansas.
Q When you came here, did you apply to the Cherokee Nation for readmission? A No sir.
Q Did you have any interest down here? A Yes sir I did, I had a farm and cattle down here on the river.
Q When? A All the time we were out.
Q Who had that, your father? A Yes sir.
Q Did your father make his home up there in Kansas? A He did part of the time, he was here off and on every year; he was here part of the time every December.
Q Did he vote up there in Kansas? A No sir.
Q Did you vote there? A No sir.
Q Where did you claim your home? A In the Territory, we were not allowed to vote up there at all.
Q What is your fathers name? A Sam Garrett.
Q He dead or alive? A Dead.
Q What is your mothers name? A Elizabeth.
Q What was her name before she was married; she dead or alive?
A She is dead.
Q Either your father or your mother on the roll of 1880? A No sir.
Q How long has your father been dead? A He died in 1881.
Q How long has your mother been dead? She died in 1870.
Q Your father on any of the rolls of the Cherokee Nation. A Yes sir I think he is on all except the 1880 roll up to the time he died.
Q Your mother on any rolls. A I dont know I was small when she died.
Q Give me the name of tyour wife? A Sarah Lizzie.
Q Sarah L. Garrett is her present name? A Yes sir.
Q How old is she? A 37.
Q When were you married to her? A In 1890.
Q You lived with her ever since you married? A Yes sir.
Q Have you lived all the time in the Cherokee Nation? A Yes sir.
Q Give me the names of these children? A Lizzie Frederick is the oldest one, it never died.

Q Give me the name of the next child? A Oren Glee, 10 years old.
Q The name of the next child? A Mertha May, 9 years old.
Q The next child? A Clyde Raymond, 7 years old.
Q The next child? A Claud Lerey, 4 years old.
Q The next child? A That was all.
Q All living now, are they? A Yes sir.
Q Were they all born in the Cherokee Nation? A Every one of them.
Q Lived here all their lives? A Yes sir.
Q

(On 1896 roll, page 603, No/ 174, Frederick Garrett, Delaware District. Sarah L. Garrett on 1896 roll, page 603, No. 176, Delaware District. Samuel F. Garrett on 1896 roll, page 603, No.175, Delaware District. Oren C. Garrett, on 1896 roll, page 603, No.176 Oren C. Garrett Delaware District. Bertha May Garrett on 1896 roll page 603, No. 177, Delaware District. Clyde R. Garrett on 1896 roll, page 603, No. 178, Delaware District. Claud Lerey Garrett on 1896 roll, page 603, No. 179, Delaware District.)

Q Your father came to the Cherokee Nations with the Shawnees in 1870 or 1871 did he? A Yes sir, in 1869.
Q Where did he keep house and keep his family and live from 1869 until he died? A Why he lived up there in the Territory ~~from~~ for about six years from the time we moved here, and then he moved - - -
Q Where did he live from 1869 immediately, did he live in the Cherokee Nation? A Yes sir, right over in Delaware District.
Q How long did he live there? A About six years I guess.
Q That brought him to about 1875? A Yes sir.
Q When did your father die? A He died in 1891.
Q There were 16 more years of his life after that step; wheredid he live during that time? A Most of the time in Kansas and part of the time here, he was back and forth.
Q Where did he keep the children? A The youngest of us was ~~xx~~ up there with him in Kansas.
Q Where was the family home? A Up there in Kansas.
Q That was where he made his residence, di d his housekeeping?
A Yes sir.
Q You came with your father in 1869? A Yes sir.
Q And you went with him when you were a child and he went up to Kansas? A Yes sir.
Q And down to 15 years ago you made your home there with him? Q
A Yes sir.
Q Were you married, where were you married? A Up here by Blue-jacket.
Q You have lived here continuously since you married? A Yes sir, I never have been out of the Territory to exceed ten days.
Q Are you the brother of Richard Garrett? A Yes sir.
Q And his home is at Cheuteau, Kansas? A Yes sir, he has not lived there always?
Q He has lived there continuously for the last ten years? A No, I dont think he has.
Q

The applicant is identified on the roll of 1896, he states that he came with his father to the Cherokee Nation when the Shawnees moved there in 1896, and that after living in the Cherokee Nation six years he went with his father and the balance of the family back to Kansas. There his father lived, as set forth in the testimony, up to the time of his death, and there the applicant lived with his father as set forth in the testimony, down to 15 years ago, since which time he claims to have lived continuously in the Cherokee nation.

He does not claim that he or any of the family are on the roll of 1880. He is a Shawnee. He will be classed as an adopted Shawnee and his application will be placed upon a doubtful card. He states that he married his wife in 1889 and that she has lived with him in the Cherokee Nation ever since their marriage, she is identified with him on the roll of 1896 and with her children, and she will be classed with her husband on a doubtful card as a Cherokee by a adoption. The five children applied for are all identified with their par ents on the roll of 1896. They are living now, they are all said to be natives of the Cherokee Nation and all have lived here all their lived, but as their right to enrollment depends upon the father's right, the application for their enrollment will be placed upon a doubtful card, they being classed as Cherokee-Shawnees. The applicant states that he didn't apply to the Cherokee Commission or Counsel for re-admission to citizenship when he came to the Cherokee Nation some years after he had reached his majority.

Bruce C. Jones being duly sworn says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 3rd of October, 1900.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, upon oath state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Ina Andrea.

Subscribed and sworn to before me this 30 day of January, 1904.

J. R. Power
Notary Public.

Department of Applicant Tribal Under Only

CHEROKEES BY BLOOD AND ADOPTION.

1 39 Date Oct. 2, 1900.

Name Frederick Garrett, Miami, I.T.

District Delawars Year 1896 Page 1603 No. 174

Citizen by blood Shaw. Mother's citizenship Sam'l Garrett - d

Intermarried citizen No. Elizabeth Garrett - d.

Married under what law Date of marriage

License Certificate

Wife's name 37 Sarah L. Garrett

District Delaware Year 1896 Page 573 No. 219

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage 1889

License Certificate

Names of Children:

3. Samuel F. Garrett	Dist. Delaware	Year 1896	Page 603	No. 175	Age 11
4. Oren C. "	Dist. "	Year "	Page "	No. 176	Age 10
5. Bertha M. "	Dist. "	Year "	Page "	No. 177	Age 9
6. Clyde R. "	Dist. "	Year "	Page "	No. 178	Age 7
7. Claud L. "	Dist. "	Year "	Page "	No. 179	Age 4
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Doubtful

Death

(COPY)

Bluejacket, Ind. Ter., 1889

Cherokee Nation)
Delaware Dist.)

TO WHOM IT MAY CONCERN:

I do certify that I have this day joined in bond of Holy Matrimony Mr. Frederick Garrett (Age 29 years), a citizen of Cherokee Nation and Miss Linnia Carr ,citizen of the United States, Age 27 years, This the 18th day of March, A. D. 1889.

(Signed) Charles Bluejacket.

Witnesses:

her
Louisa x Bluejacket
mark

Willis Bluejacket.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T., October 23rd, 1901.

In the matter of the application of Frederick Garrett, Cherokee Card D-495.
SUPPLEMENTAL TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
A. L. Baugh for the Cherokee Nation,
Mellette & Smith, for the applicants.

Frederick Garrett being first duly sworn by Commissioner T. B. Needles, testifies as follows:

(By Mr. Smith)

Q State your name? A Frederick Garrett.
Q Are you the applicant in this case? A Yes sir.
Q You have testified in this case before? A Yes sir.
Q Before the Commission when you made your application? A Yes sir.
Q Do you remember what year it was that you returned to the Cherokee Nation after your father took you out when you were a boy.
A I think it was either 85 or 87.
Q To what place did you return? A To the old home place.
Q Did you have any property on that place at that time?
A An interest in some cattle.
Q How many cattle? A Hundred and forty-three head.
Q What did you do with these cattle? A I have part of them yet.
Q Did you ever vote anywhere except in the Cherokee Nation?
A No sir.
Q Ever held office anywhere except in the Cherokee Nation? A No sir.
Q Ever sit on juries anywhere except in the Cherokee Nation?
A No sir.
Q Have you ever voted in the Cherokee Nation? A Yes sir.
Q Ever have any permits issued to you by the Cherokee Nation?
A Yes sir.
Q Where did you have the permits? A You mean where were they issued from?
Q Yes sir. A From the clerk's office.
Q What clerk? A Mr. Hastings was clerk when I got some of them.
Q What Hastings? A I dont know his first name.
Q Clerk of what District? A Delaware District.
Q Have you a brother named George Garrett. A Yes sir.
Q When did he come back to the Cherokee Nation after your father took him out? A I dont remember just when it was. He was here two or three years when I came.
Q He was here when you came? A Yes sir.
Q Have you a brother named Robert L? A Yes sir.
Q When did he come back? A Same year I did, just before I did.
Q Have you a sister named Mary? A Yes sir.
Q When did she return? A When Robert did.
Q What you a sister named Elizabeth? A Yes sir.
Q When did she return? A Same time the others did, just before I did.
Q Were your brothers, Robert and George, recognized in the same way that you were. A Yes sir, I think so, I never heard anything different.
Q I believe you stated in your original examination here, that you had property herein the Cherokee Nation during the time that you were out. A Yes sir, I had an undivided interest in the cattle was all.

Frederick Garrett et al---?.

Q Does your name appear on the Shawnee roll of 772 persons which was made out in accordance with the treaty of 1869? A I think it does.
Q By Mr. Smith. If the Court please, I would like to have the Shawnee roll examined and that part thereof that mentions the Shawnee applicant made a part of this record.

By Com'r Needles. Comes the applicant and presents the register of the names of the members of the Shawnee tribe of Indians who have moved to and located in the Cherokee Nation, Indian Territory (prior to the 10th day of June, 1871) within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians throught their delegrations in Washington, D. C., United States of America, on the 7th day of June, 1869, and approved by the President of the United States on the 9th day of June, 1869, in accordance with the fifteenth article of the Cherokee Treaty with the United tates proclaimed August 11, 1866, and call the attention of the Commission to the fact that on said roll at No. 381 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee representatives and the said rolls being certified to by Lewis Downing, Principal Chief of the Cherokee Nation, and by Graham Rogers, late Principal Chief of the Chawnee tribe of Indians, and by Charles Tucker, late assistant principal chief of the Shawnee tribe of Indians.

Applicant also calls the attention of the Commission to the fact that at No. 377 is found the name of Samuel Garrett; at No. 378 is found the name of Richard Garrett; at No. 379 is found the name of George Garrett; at No. 380 is found the name of Robert L. Garrett and at No. 382 is found the name of Mary Garrett.

(By Mr. Smith of applicant)

Q What is the fact as to your sister Elizabeth Garrett, what is the fact as to her coming here with you originally? A She came with my father and the rest of the family.
Q She came with your father? A Yes sir, and kept house for him at the time.
Q

(By MR. Baugh)
Q How old was you when you returned from Kansas to the Cherokee Nation after you had left here? A About 26 years old.
Q Did you go to the Cherokee National council and ask to be readmitted to citizenship? A No sir .
Q

J.C. Williamson, being first duly sworn before Com'r T.B.Needles, testified as follows for applicant:

(By MR/ Smith,)
Q What is your name? A J. C. Williamson.
Q Where do you live? A Bluejacket.
Q What is your age? A 53.
Q Are you a citizen of the Cherokee Nation? A I dont know that I am.
Q You dont know? A (No. answer)
Q How long have you lived in the Cherokee Nation? A Since September, 1870.
Q What is your occupation? A Farming and stock raising.
Q Where did you come from to the Cherokee Nation? A Johnson County, Kansas.
Q

Q With whom did you come? A I came by myself but I had George W. Franklin's household goods and moving machine with me.
Q Is he a Shawnee citizen? A Yes sir.
Q Did you come as one? A No sir.
Q Did you marry a Shawnee citizen afterwards? A Yes sir.
Q Do you know this man, Frederick Garrett? A Yes sir.
Q Do you know his father? A Yes sir.
Q What is his father's name? A Samuel.
Q Do you know his brothers and sisters? A Yes sir.
Q Can you name them? A Richard, Elizabeth, Fred, Robert, Mary and George.
Q Were they all the children of Samuel Garrett? A ~~Yes sir.~~
A He claimed them to be his.
Q Did he bring them with him here when he came? A I didn't see them en route but I saw them all on the Neosho River where he was living with his family.
Q When was that? A I am not positive if I saw them in '70 but I know I saw them in '71, I know they were there in '71 and I think I saw them in '70. I stopped there in '71.
Q Did you know Samuel Garrett before you came to the Cherokee Nation? A Yes sir.
Q What was he? A A farmer.
Q Was he a Shawnee? A Yes sir.
Q An adopted Shawnee? A Yes sir.
Q And he came here when the Shawnees came? A Yes sir.
Q Did you know Frederick Garrett who has just left the stand here? A Yes sir.
Q Is he the same Frederick Garrett that you knew and who was brought here by his father and whose name is on the Shawnee rolls?
A Yes sir.
Q And these brothers and sisters that you have named, do you know them as the brothers and sisters of Garrett? A Yes sir, I knew them when they came here.
Q Do you know anything about ~~their family~~ where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.
Q Where? A On the Chetopa McCarre ferry road on Fox Creek near Neosho River in Delaware District, Cherokee Nation.
Q With his family? A Yes sir.
Q These are the same people that you stopped with in '70 or '71?
A Yes sir.
Q Did he improve a place there? A Yes sir.
Q In what way? A Built a house, fenced it and broke out a farm.
Q How long did the old man, Samuel Garrett, live there before he left that place, as well as you can recollect? A As well as I recollect, he left there in the Fall of '75 or '6.
Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.
Q Which two did he leave? A I think Richard and George.
Q Do you know what disposition was made of the place when old man Garrett left there at that time? A Yes sir.
Q What? A I rented the place.
Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.
Q What property, if any, did these people leave upon the place?
A He left somewhere about 80 head of cattle, cook stove and a bed and bedstead, I think some house furniture and some plows.
Q About 80 head of cattle and household goods and some farming implements? A Yes sir.
Q Was the old man, Samuel Garrett, ever back on the place after you rented it from him? A He was there back on the place every few months; I can't tell how often.

Q He had property there? A Yes sir.
Q Do you know of this voting in the Cherokee Nation after he left the place and went to Johnson County, Kansas? A Nothing more than that he stopped with me.
Q Voted? A Oh, voted, yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if he had property interests in Johnson County, Kansas? A Yes sir, I know he owned a farm there when I was there and he owned quite a gract of land near Monticello, Kansas, I dont know now how much of a farm he did have there.
Q After he left the place atthe time he rented it to you, do you know of him voting anywhere else except in the Cherokee Nation.
A No sir.
Q Do you know of his holding himself out as a citizen anywhere else except in the Cherokee Nation? A No sir.
Q Do you know of his receiving permits in the Cherokee Nation after he rented that place to you? A Not direct.
Q Did he ever come back to live on the place after that? A Not that I know of.
Q Do you know when he died? A I know when he died, but cant call the date now.
Q About how long ago? A Either in '90 or '91.
Q Do you know this applicant, Frederick Garrett? A Yes sir.
Q Do you remember when he came back to the Cherokee Nation?
A ~~I remember about his return, but I dont remember what year.~~
Q Do you know if some of this property you spoke of was on the place when Frederick got back? A I do not.
Q Were there any cattle on the place? A I think there was some cattle still on the place.

(By Baugh)
Q You say that you know old man Garrett voted in the Cherokee Nation? A He came down there and went into the polls, that was after he came down from Chetopa, after he had moved up there.
Q Who did he vote for? A I disremember now.
Q You dont know if he voted or not, do you? A I dont know if he did, he went in to vote, I was not an officer at the poll and dont know if he cast his vote.
Q How long ago had it been since he moved to Kansas? A You mean when he first left the Cherokee Nation?
Q Yes sir. A Well, as near as I can remember, it was in about '75.
Q He lived continuously from that time until his death in Kansas?
A Yes sir.
Q He never came back to the Cherokee Nation to live after that?
A No sir, not as I know of.

BY MR. BAUGH.

I desire to offer in evidence a part of the Shawnee-Cherokee agreement entered into between the duly authorized delegrates representing the Cherokee Nation of Indians and the duly authorized delegates representing the Shawnee tribe of Indians and in order to make special reference to it, will read a part of said agreement.

"That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement, shall register their names and permanently locate in the Cherokee country as herein provided within two years from the date hereof, otherwise they shall forfeit all rights under this agreement."

I desire to further call the attention of the Commission to

Frederick Garrett et al --- 5

Article 1, Section 2, of the constitution of the Cherokee Nation.

By Com'r Needles.
This will be filed in Cherokee doubtful case D-495.

By Mr. Smith. I desire this testimony also to be filed in the following cases: Cherokee D. 458, Cherokee D-490, Cherokee D-856 and Cherokee D-1201.

By Com'r Needles.
As requested by applican'ts attorney, copies of this testimony will be filed in the cases named.

Charles von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reporte in full all the proceedings in the above cause and that the foregoing is a true full, true and correct transcript of his stenographic notes therein.

(Signed) Charles von Weise,

Subscribed and sworn to before me this the 25th of October, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

I, the undersign, being duly sorn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this 30 day of January, 1904.

J. Ranson
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., March 3, 1902.

In the matter of the application of Frederick Garrett for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances: Mellette & Smith, attorneys for applicants,
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant was notified by registered letter on February 14, 1902, that his application for the enrollment of himself, wife and children as citizen s of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the first day of March, 1902.

Receipt has been acknowledged of the Commission's letter and the applicatn this day, to wit: the first day of March, 1902, appears in person and by his attorneys, Messrs Mellette & Smith of Vinita, Indian Territory.

FREDERICK GARRETT, the applicant herein, being sworn and examined testified as follows:

Examined by Mr. Smith.

Q State your name? A Frederick Garrett.
Q You are an applicant in this case? A Yes sir.
Q You apply for the enrollment of yourself, wife and six minor children? A Yes s ir.
Q Mr. Garret, you were notified to produce a certificate of marriage to your wife; examine that paper and tell me what it is.
(Attorney passes to witness a paper)
A That's the certificate that i got from the minister.
Q The man that married you? A Yes sir.
Q Did your wife have any other name than the one given in that certificate? A Yes sir, the minister left out her first name, Sarah Linnia. He name was Sarah Linniar Carr.

The Commission: There is offered in evidence by the attorney for the applicants a certificate signed by Charles Bluejacket and witnesses by Louisa Bluejacket and Wallace Bluejacket, certifying that he united Frederick Garrett and Miss Linniar Carr in marriage on the 18th day of March, 1889.

Examined by Mr. Smith.

Q Was Charles Bluejacket a Minister of the Gospel. A Yes sir.
Q Where were you married? A At Mr. Bluejacket's residence.
Q Where was that? A Right west of Bluejacket station.
Q In the Cherokee Nation? A Yes sir.
Q Well, is this person mentioned in this certificate that you have examined identical with your wife, Sarah? A Yes sir.
Q The same person? A Yes sir.
Q Mr. Garrett, examine these papers and tell me what they are.
(Attorney passes papers referred to to witness)
A These are permits for the hire of United States laborers.
Q

Mr. Smith. I desire to offer these to be filed as evidence in this case.

Frederick Garrett eta l --2.

Mr. Hastings: To which the representatives of the Cherokee Nation object because the same are not proof of citizenship.

The Commission: The several permits offered in evidence by the attorneys for the applicants will be filed and made a part of the records and considered for what they are worth.

Witness examined by Mr. Hastings:

Q Were you ever married before except to this woman? A No sir.
Q Was she ever married before she married you? A No sir.

The Commission: Attorney for the applicants and the representative of the Cherokee Nation present submit this case and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicant request and will be granted fifteen days within which to file a brief in this case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

E. C. Bagwell on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctle reported the testimony and proceedings had in the above entitled cause and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell,

Subscribed and sworn to before me this March 3rd, 1902.

(Signed) M. D. Green, N. P.

(SEAL)

I, the undersigned, on oath state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me this February 1, 1904.

J. Rennen
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of Frederick Garrett for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood; for the enrollment of his wife, Sarah L. Garrett as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of this children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett as citizens of the Cherokee Nation of Shawnee blood.

SUPPLEMENTAL TO D-495.

Cherokee Nation appears by J. C. Starr.

FREDERICK GARRETT, being duly sworn, testified as follows:

Examined by the Commission.

What is your name? A Frederick Garrett.
Q What is your age? A 42.
Q What is your postoffice? A I get my mail now at Dawes.
Q It was Miami when you applied before? A Yes sir.
Q Are you a Shawnee citizen of the Cherokee Nation? A Yes sir.
Q What is you r wife's name? A Sarah Lena.
Q Is she a white woman? A Yes sir.
Q An applicant for enrolled as a citizen by intermarriage, is she?
A Yes sir.
Q When were you married to your wife, Sarah L.? A '98, March.
Q Were you ever married prior to your marriage to this wife?
A No sir.
Q Had she ever been married prior to h r marriage to you? A No sir
Q You and she have lived together all the time since your marriage up to the present time? A Yes sir.
~~Q Have you lived in the Cherokee Nation~~
Q Never separated? A No sir.
Q You were living together on the 1st of September, 1902? A Yes sir
Q Have you lived in the Cherokee Nation all your life? A No sir.
Q When did you come here? A I first come here in '70 and lived here about 4 years, then moved back and came here in '85 or '87, I ain't sure which.
Q Did you come the first time when the Shawnees came under the Treaty? A Yes sir.
Q Is your name on the register? A Yes sir.
Q Have you lived in the Cherokee Nation since '85 or '87? A Yes sir
Q Has your wife lived here since your marriage to her? A Yes sir.
Q Are these children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. your children by your wife, Sarah L? A Yes sir
Q Are they all living at this time? A Yes sir.

By Mr. Starr.

Q Where are you living? A In the Cherokee Nation.
Q Where? A About 9 miles west of Miami.
Q Have you lived in Kansas any of the time since 1890? A Never lived in Kansas at all since '85 or '87.
Q Never been out in Kansas since then? A No sir.

Jesse O. Carr, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 16th day of December, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL)

I, the undersigned, state on oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson.

Subscribed and sworn to before me this 1st day of February, 1904.

J. Rouse
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., February 10, 1903.

- - - - - - - - - -

IN THE MATTER OF THE APPLICATION OF FREDERICK GARRETT, ET AL FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE NATION.

- - - - - - - - - -

Cherokee D-495.

- - - - - - -

PROTEST OF THE CHEROKEE NATION.

- - - - - - - - -

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2, 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed before the Commission on the part of the Cherokee Nation.

In addition to the reasons urged in said brief, we desire to call the attention of the Secretary of the Interior to what we believe to be a very erroneous position taken by the Commission in their decision, and that is the reference by the Commission to the Act of Congress approved March 4, 1893, providing for the cession of the Cherokee Strip to the United States, and the preparation of a list of intruders in the Cherokee Nation. The Commission well knows, as does the Secretary of the Interior, that not a single intruder was removed from within the limits of the Cherokee Nation, and that the Cherokee Nation made the repeated appeals to the government of the United States to carry out this provision of that act of Congress, which was done, and for this reason no complete list of intruders was ever furnished by the principal chief of the Cherokee Nation, and the Commission knows that they have rejected hundreds of persons who have applied to the Commission, whose names do not appear upon this list of intruders. This is purely a nagative argument, and one that should not commend itself to either the Commission or the Secretary of the Interior. There are thousands of white persons residing within the limits of the Cherokee Nation whose names do not appear upon this list of intruders requested to be furnished, who do not claim citizenship, but who are entitled if this specious argument is of any avail. I trust therefore, that if these applicants are admitted, they will be admitted upon some sond reason, and not upon the theory that their names do not appear upon a list of intruders which was never made, because it was found unnecessary, because the Department itself determinedly refused to carry out its provisions.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for the Cherokee Nation

(XX)

(COPY)

Cherokee D-495

Muskogee, Indian Territory, February 7, 190[illegible]

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Frederick Garrett for the enrollment of himself and his minor children, Samuel F., Oren C., Bertha M., Clyde R/, Claud Li and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby,

Enc. M-2024. Acting Chairman.

(1[illegible])

(COPY)

Cherokee D-495

Muskogee, Indian Territory, February 18, 1903.

Frederick Garrett,

Dawes ,Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of your application for the enrollment of yourself and six minor children, Samuel F., Oren C. , Bertha M., Clyde R., Claud L. and Homer L. Garrett as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of your wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting your said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-106
Register.

(COPY)

Cherokee D-495

Muskogee, Indian Territory, February 18, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior the record of proceedings had in the matter of the Application of Frederick Garrett for the enrollment of himself and his six minor children, Samuel R., Oren C., Bertha M., Clyde B., Claud L. and Homer L. Garrett as citizens of the Cherokee Nation of Shawnee blood and for the enrollment of his wife, Sarah L. Garret as a citizen by intermarriage of the Cherokee Nation including the Commission's decision dated February 8, 1903, granting said application and the protest of the Cherokee Nation against said decision dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,
Acting Chairman.

(MM)

(COPY)

Cherokee D-495

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Frederick Garrett for the enrollment of himself and his six minor children, Samuel F., Oren G., Mertha M., Clyde R, Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-2105

Through the

Commissioner of Indian Affairs.

MH

Refer in reply to the following:

Land-12836-1903. Department of the Interior,

Office of Indian Affairs.

Washington, August 26,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Commission to the Five Civilized Tribes, dated February 18,1903, transmitting record relative to the application of Frederick Garrett for the enrollment of himself and six minor children- Samuel F., Oren C., Bertha M., Clyde R., Claud L., and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as an intermarried citizen of the Cherokee Nation

February 2,1903, the Commission held that all of the parties above mentioned were entitled to enrollment; Sarah L.Garrett as a citizen by inter-marriage and the others as citizens of the Cherokee Nation of Shawnee blood. The Cherokee Nation protests against the Commission's decision.

The record in this case shows that Frederick Garrett is of Shawnee blood; that his name appearsom the register of Shawnees who located in the Cherokee Nation in accordance with the terms of the Cherokee-Shawnee agreement of June 7,1869; that he remained in the Nation until about 1875 or 1876, when he went to the State of Kansas with Samuel Garrett, his father; that he remained in the State of Kansas until about 1888, at which time he returned to the Cherokee Nation, where he has since resided. Samuel Garrett, the

record shows, owned property in the Cherokee Nation in which the applicant was interested, and that he visited his farm in the Cherokee Nation every few months; and that he did not vote in the State of Kansas.

Frederick Garrett and Sarah L. Garrett were married March 18, 1889, and the minor applicants herein named are the issue of that marriage.

The name of the principal applicant and that of Samuel F. Garrett, his oldest son, appears on the Cherokee census roll of 1890. He is also identified by the 1896 Shawnee pay-roll, as are Oren C., Bertha M., and Clyde R. Garrett. All of the applicants, except Homer L. Garrett, the record shows, are identified by the Cherokee census roll of 1896. Homer L. Garrett was born subsequent to the date said roll was made, and he is properly identified by birth affidavit.

The Commission in its decision states that an examination of the list of intruders and unauthorized persons residing in the Cherokee Nation furnished by the Principal Chief, which list bears date of 1893, does not show that the names of any of these applicants appear thereon. The Cherokee Nation takes the position that no such list of intruders was made in accordance with the provisions of the Act of 1893.

As the principal applicant is of Shawnee blood and acquired his rights in the Cherokee Nation in accordance with the provisions of the Cherokee-Shawnee agreement, the office does not consider it necessary to enter into any discussion as to whether his name, or the names of any of the members of his family, appear on the

intermarre list. By the provisions of the Cherokee-Shawnee agreement he became a citizen of the Cherokee Nation and his status therefore is the same as that of a native Cherokee.

In view of the foregoing, the approval of the Commission's decision favorable to all of the applicants is respectfully recommended, except in so far as it relates to the right of Sarah L. Garrett to enrollment as an intermarried citizen.

Attention is respectfully invited to Department letter of July 27,1905, (I.T.D.5316).

Very respectfully,

(signed W.A.Jones,

Commissioner.

GAW-R

DC-SISOB-1903

72264 J.W.M.

Department of the Interior. WHB

I.T.D.6478-1903. Washington, November 7,1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18,1903, you transmitted the record and papers relating to the application of Frederick Garrett (Cherokee D-495) for the enrollment of himself and his six minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, including your decision of February 2,1903, granting said application.

The Department has carefully examined the testimony contined in the record, and agrees with your finding of facts, which is as follows:

"The evidence in this case shows that Frederick Garrett is a Shawnee Indian and is identified on a certain register of names as one of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians, on June 7,1869, and approved by the President of the United States June 9,1869."

"It further appears that the said Frederick Garrett, remained in the Cherokee Nation until about 1875 or 1876, when he went to the State of Kansas with his father, Samuel Garrett, also a Shawnee Indian. The applicant remained with his father, in the State of Kansas, until 1886, at which time he returned to the Cherokee Nation and has since continuously resided therein.

"The evidence further shows that, while in the State of Kansas, his father, Samuel Garrett, owned property and effects in the Cherokee Nation, in which the applicant had an interest, and that he visited his farm in the Cherokee Nation every few months; that he voted in the Cherokee Nation and exercised no rights of citizenship in the State of Kansas.

"The evidence further shows that the said Sarah L. Garrett was married to the applicant on March,18,1889, and the above named children are the issue of said marriage. An examination of the tribal rolls, in possession of this Commission, shows that Frederick Garrett, his wife, Sarah L. Garrett, and his eldest son, Samuel F. Garrett, are identified on the Cherokee census roll of 1890; and the said Frederick Garrett, together with his children, Oren C., Bertha M. and Clyde R. Garrett, is also identified on the Shawnee pay roll of 1896. All of the applicants herein, except Homer L. Garrett, are identified on the Cherokee census roll of 1896. ~~xxx~~ The said Homer L. Garrett is identified by birth affidavits made a part of the record herein.

"The evidence further shows that the said Sarah L. Garrett has resided with her husband in the Cherokee Nation since the date of their marriage up to and including September 1,1902. The above named children being minors, their residence is considered to be the same as that of their father."

Reporting in the matter August 26,1903, the Commissioner of Indian Affairs recommended that your action be approved, except in so far as it relates to the right of Sarah L. Garrett to enrollment as an intermarried citizen.

The Department considers that the applicants herein who claim by blood, lawfully acquired citizenship in the Cherokee Nation; that the testimony contained in the record fails to show a forfeiture of the rights so acquired, and that, under the laws of Congress now in force, said persons are entitled to enrollment as citizens by blood of said Nation. Your decision is accordingly affirmed as to them.

The Department will not render a decision at this time, in the matter of the application of Sarah L. Garrett, who claims a right to enrollment as a Cherokee by intermarriage.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan.

Acting Secretary.

(COPY)

Cherokee D-495.

Muskogee, Indian Territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Frederick Garrett for the enrollment of himself and his six minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of his wife, Sarah L. Garrett, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(MM)

(COPY)

Cherokee D-495

Muskogee, Indian Territory, November 16, 1903.

Frederick Garrett,

Dawes, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting your application for the enrollment of yourself and your six minor children, Samuel F., Oren C., Bertha M., Clyde R., Claud L. and Homer L. Garrett, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of your wife, Sarah L. Garrett, as a citizen of the Cherokee Nation by intermarriage, was affirmed by the Secretary of the Interior as to all except your said wife, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(Mx)

Cher 10350

Mollie R. Carpenter

Trans. from D850

Cher 10350

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chelsea, I. T. November 20, 1900.

In the matter of the application of Henry Barnett, for the enrollment of himself and step-child, as Cherokees of Shawnee blood, and his wife as a Cherokee by intermarriage; he appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Henry Barnett.
How old are you? A 25.
Q What is your postoffice address? A Catale.
Q Are you a Cherokee by blood? A I am a Shawnee.
Q What degree of Shawnee blood do you claim? A I don't know, half breed.
Q For whom do you make application; have you a wife and children? A Yes sir.
Q How many children? A One.
Q Do you apply for your wife? A No sir.
Q You don't apply for her? A Yes sir, I apply for her.
Q How long have you actually resided in the Cherokee Nation? A All my life.
Q Have you been outside of the Cherokee Nation within the past three years. A No sir.
Q What is the name of your father? A Cassius Barnett.
Q Is your father living? A No sir.
Q Is he a Cherokee or Shawnee? A Shawnee.
Q What is the name of your mother? A Rebecca Barnett.
Q Is she living? A No sir.
Q Is she a Shawnee? A Yes sir.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q What district were you living in at that time? A Tahlequah District.
Q What district were you living in in 1896? A Cooweescoowee.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Julia Elizabeth.
Q Is she living? A Yes sir.
Q How old is she? A Twenty.
Q Is she a Cherokee or blood or a white woman? A White woman.
Q What is the name of her father? A Jesse Jackson.
Q Is he living? A No sir.
Q What was the name of her mother? A Mellie Dougherty.
Q Is she living? A Yes sir.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A Her mother was an as adopted.
Q They are both white are they? A Yes sir.
Q Give me the name of your child? A It is a step-daughter, Mellie Ruth Carpenter.
Q How old is that child? A Three years old.
Q Is this child alive and living with you at the present time? A Yes sir.
Q Who is the father of the child? A W. N. Carpenter.
Q Was he a Cherokee or a white man? A He was a Shawnee.
Q Is your present wife the mother of the child? A Yes sir.
Q When were you married to your wife? A In 1898.
Q Have you any evidence of your marriage? I have the license.
(The applicant presents a marriage license issued by James A. Winston, on the 31st of August, 1898, authorizing the marriage of Henry Barnett and Mrs. Julia Carpenter, and a certificate showing that said ceremony was performed by J. E. Vick, a Minister of the Gospel, on the 6th day of September, 1898. The license and certificate are filed herewith.)
Q Was your wife's former husband dead when you married her? A Yes

Henry Barnett-2.

Q When did he die? A He died in 1898 I believe.
Q What time in 1898? A I forget what time.
Q Was it in the spring or late in the fall? A In the spring I believe.
Q Have you any evidence of your wife's marriage to her first husband. A Nothing only her mother-in-law and her sisters-in-law.
Q Have you any documentary evidence? A Nothing only her name.
Q Have you any evidence of your wife's marriage to her first husband? A No sir, I have not.
Q Have you any at home? A I haven't any at home, the certificate is down here at Foyil.
Q Where were they living at the time of their marriage? A Catale.
Q Were they married by a minister of the Gospel? A Yes sir.
Q What was his name? A I don't remember the name of the minister.
Q Have you lived with your wife continuously since you were married to her? A Yes sir.
Q Were you ever married before? A No sir.
(Henry Barnett on the 1880 roll, page 68 # 241, Cooweescoowee Dist, Adopted Delaware; on 1896 roll page 1293, # 1, Tahlequah District, Adopted Shawnee)
Q Did William Carpenter have a wife named Fannie? A Yes sir.
Q Is she living or dead? A I can't tell you.
(William Carpenter on 1880 roll, page 84, #633, Wm. Carpenter, Cooweescoowee District, Adopted Shawnee; on 1896 roll, page 1295, #8, William Carpenter, Tahl quah District.)
Q Do you know when William Carpenter was married to your present wife? A I don't know just when they were married, at what time.
Q About what year was it? A About 1896 thought, I think.
~~Q Did he live with her up until the time that he died? A~~
A No sir, he didn't live with her up until the time that he died.
Q How long did he live with her? A I don't know just how long he lived with her.
Q Was he living with her when this child was born? A Yes sir.
Q He died in the spring of 1898, did he? A Yes sir.
Q And you married his wife in the fall of 1898? A Yes sir.

The applicant applied for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood, for the enrollment of his wife as a Cherokee citi zen by intermarriage, and for the enrollment of his wife's daughter, as a citizen of the Cherokee Nation of Shawnee blood. He is identified upon the authenticated roll as an adopted Delaware, and upon the census roll of 1896 as an adopted Shawnee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a citizen of the Cherokee Nation of Shawnee blood. He avers that his wife was married to one William Carpenter in the year 1896, the result of said marriage was one child, Mollie Ruth Carpenter. The said William Carpenter is identified upon the roll of 1880 and the Census roll of1896 as an adopted Shawnee. He died sometime in the spring of 1898. The applicant does not produce any satisfactory proof as to the marriage of his wife to her former husband, William Carpenter, and for that reason she will be listed for enrollment as a Cherokee citizen by intermarriage upon what is known as a doubtful card. He produces satisfactory proof as to his marriage to her on the first day of September, 1898. He has lived with her continuously since that time. And for the reason that the marriage of William Carpenter and the applicant's wife has not been established, the said Mollie R. Carpenter, the daughter of William Carpenter and the applicant 's wife will be listed for enrollment as a citizen of the Cherokee Nation of Shawnee blood upon what is known as a doubtful card, and the applicant will be required to file with the Commission either the original or a certified copy of the marriage certificate showing the marriage of his wife to her former husband William Carpenter.

Henry Barnett-3.

B. C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this 21st day of November, 1900.

Guy L. V. Emerson,
Notary Public.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the original transcript.

R Palmer

Subscr ibed and sworn to before me this 6th day of February, 1904.

Samuel Foreman
Notary Public.

Enrollment of Applicant Tribal Rights Card.

CHEROKEES BY BLOOD AND ADOPTION.

Date Nov. 20, 1900 1909.

Name Catala, I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage September 5th, 1898.

License (20) Certificate

Wife's name Julia E. Barnett

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Father { Wm. Carpenter

Married under what law U. S. Date of marriage

License Filed Nov. 20, 1900. Certificate

Names of Children:

2 Mollie R. Carpenter	Dist. Shawnee	Year	Page	No.	Age 3
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Doubtful

Wife of Henry Barnett.
2- Birth affidavit required.
Certificate of marriage between Wm. Carpenter and Julia E. Barnett to be supplied.

(COPY)

Cherokee D-850
Filed Dec. 22, 1898,
Jas. A. Winston, Clerk.

MARRIAGE LICENSE.

United States of America,)
Indian Territory : SS. No. 838.
Northern District.)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE.

GREETING: You are hereby commanded to solemnize the right and publish the banns of matrimony between Mr. Henry Barnett of Catale, Indian territory, aged 26 years and Mrs. Julia Carpenter, at Catale, Indian territory, aged 19 years, according to law and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal at Vinita, Indian Territory, the 31st day of August, A.D., 1898.

(Signed) Jas. A. Winston,

Clerk of the U.S.Court,
By J. C. Anderson, Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

United States of America)
Indian Territory : SS (Internal R
Northern District.) (Revenue)
(Stamps)

I, J. E. Vick, a minister of the Gospel, do hereby certify that on the first day of September, A.D.1898, I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 5th day of September, A.D.1898.
My credentials are recorded in the office of the clerk of the United States Court, Indian Territory, Northern District, book A, page 111.

(Signed) J. E. Vick,
A Minister of the Gospel

NOTE:-- This license and certificate of marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof or the party to whom the license was issued will be liable in the amount of one hundred dollars ($100.).

CERTIFICATE OF RECORD.

United States of America)
Indian Territory : SS
Northern District)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of Dec., 1898 at M and duly recorded in Book G, Marriage Record, page 324.

Witness my hand and seal of said Court at Tahlequah, in said Territory (Muscogee) Ind.Ter.) this 23 day of Dec., A.D.1898.

(Signed) Jas. A. Winston, Clerk.

Filed Sep. 16, 1898.
(Signed) Jas. A. Winston,
Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I.T., February 6, 1904.

I, the undersigned, Acting Chief Clerk of the Cherokee Land Office and custodian of the records of said office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in said Cherokee Land office.

John Rowe
Acting Chief Clerk
Cherokee Land Office.

Subscribed and sworn to before me this 6th day of February, 1904.

Simon R. Washington
Notary Public.

MR

(COPY)

MARRIAGE CERTIFICATE.

This is to certify that W. M. Carpenter, of the Cherokee Nation, and Julia Jackson, of the Cherokee Nation, were by me joined together in holy matrimony according to the usages of the Methodist Episcopal Church and the laws of the Cherokee Nation, Indian Terr., on the Seventh day of May, in the year of our Lord Eighteen hundred and ninety-seven.

(Signed) Henry M. Cloud,
Minister of the Gospel.

Mrs. W. M. Daugherty,
Miss Frankie Jackson.
Witnesses.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., February 6, 1904.

I, the undersigned, Acting Chief Clerk of the Cherokee Land Office and custodian of the records of said office do hereby certify that the above and foregoing is a true and correct copy of the original on file in said Cherokee Land Office.

Acting Chief Clerk
Cherokee Land Office.

Subscribed and sworn to before me this 6th day of February, 1904.

Notary Public.

Supl.-C. D. #850.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of Julia E. Barnett et al, as citizens of the Cherokee Nation.

The applicant was notified by registered letter, February 19, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission, at its offices at Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date, she might appear before the Commission when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of the Commission's registered letter. The applicant having this day to-wit: the 11th day of March, 1902 been called and failing to respond either in person or by attorney, it is considered that her case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson,
Stenographer.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 6th day of February, 1904.

Samuel Sevenson
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.
White Oak, I.T., June 3, 1902.

In the matter of the application of William Daugherty for the enrollment of Julia Barnett etal as citizens of the Cherokee Nation; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows.

SUPPLEMENTAL TESTIMONY.

Q Give me your full name? A William Daugherty.
Q How old are you? A About 53 or 54.
Q What is your postoffice? A Catale.
Q Are you a Cherokee citizen by blood? A No sir, I am a Shawnee.
Q You have already been listed for enrollment? A Yes sir.
Q You want to give some evidence about a step daughter of yours, don't you? A Yes sir.
Q What is her present name ? A Julia Barnett.
Q She is married a man named Barnett now, is she? A Yes sir.
Q She has applied to be enrolled, hasn't she? A Yes sir.
Q Did she apply at Chelsea? A I think so.
Q How long has she been named Barnett? A About three years.
Q So she applied as a Barnett? A Yes, I think so.
Q This woman, Julia, is the child of your wife by her first marriage? A Yes sir.
Q Your wife is a white woman? A Yes sir.
Q And Julia Barnett is a white woman? A Yes sir.
Q Now was Jul a Barnett ever married before she married Barnett? A Yes sir.
Q What was the name of her first husband? A William Carpenter.
Q Is he alive? A No sir.
Q What was he, a Cherokee or Shawnee? A Shawnee.
Q Full blood? A Yes sir.
Q How long has he been dead? A It must be 4 or 5 years.
Q Did you know William Carpenter well? A Yes sir.
Q How long have you known him? A Ever since he was a child.
Q Did he live in the Cherokee Nation all his life? A Yes sir.
Q How old was he when he died? A He must have been about 40; somewhere in that neighborhood.
Q Did he come to this country with the Shawnees? A Yes sir.
Q How old is your daughter, Julia? A She is 23 I think.
Q What was her maiden name? A Jackson.
Q Julia Jackson? A Yes sir.
Q Was she ever married before she married Carpenter? A No sir.
Q Was she lawfully married to Carpenter? A Yes sir.
Q By a preacher? A Yes sir.
Q Give me his name? A I couldn't give you the full name; his name was Cloud.
Q Was she married at your house? A Yes sir.
Q And did she live with Carpenter until he died? A Yes.
Q They lived together as man and wife until Carpenter died, did she? A Yes sir.
Q Has she any children by Carpenter? A One
Q She has already applied for that child? A I think so.
Q Give me the name of that child? A Nellie Ruth Carpenter.
Q How old is that child as near as you can come? A She is about four years old I guess.
Q Some fower or five you think? Was she born after Carpenter died? A Yes sir; no. I will swear I can't tell her age.
Q Was the child's father dead? A It was born before Carpenter died.

Q Was Carpenter ever married before he married your daughter Julia?
A Yes.
Q Who was his first wife? A Fannie; I dont know her other name.
Q Was he married only once before he married your daughter?
A That is all I know.
Q You knew him all the time, didn't you? A Yes.
Q You never knew of his being married before except to Fannie - did you ever know of him having any other wife except Fannie?
A And my daughter, that was all.
Q Was Fannie dead when he married your daughter, Julia? A Yes sir.
Q Well, after Carpenters death, your daughter marry a man named Barnett? A Yes sir.
Q Give me his full name? A William Henry Barnett.
Q What is he, a Shawnee? A Yes sir.
Q Is he a full blood? A No, he is about hald I guess.
Q Is his mother a Shawnee? A Yes sir.
Q Is she a full blood? A No, she is half I think.
Q Has Henry Barnett been listed for enrollment by this Commission do you know? A Yes sir.
Q No trouble about his case? A No sir.
Q Who married your daughter to Henry Barnett, a preacher? A Yes, the preacher married them but I dont know his name?
Q Was it at your house? A No they married at Chelsea; I dont know who married them.
Q You know she lived with Barnett as his wife do you? A Yes sir.
Q They were recognized by everybody as man and wife? A Yes sir.
Q She is living with him at this time? A Yes sir.

This testimony will be filed in the case of Julia Barnett and also with the case of her child, Mollie R. Carpenter. The special object of this testimony is to establish the legality of the marriage between Julia Barnett and her first husband, William Carpenter.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Bethenberger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Signed) OP. G. Reuter,
SEAL. Notary Public.

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and correct copy of the original transcript.

[illegible]

Subscribed and sworn to before me this [illegible] day of February, 1906.

[illegible]
Notary Public.

(COPY)

Cher
Supp'l to D 850

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. December 17, 1902.

In the matter of the application of Julia E. Barnett for the enrollment of herself as a citizen by intermarriage, and her daughter Mollie R. Carpenter as a citizen of the Cherokee Nation of Shawnee blood.

Appearances:
Applicant present in person,
W. W. Hastings, Esq. for Cherokee Nation.

JULIA E. BARNETT, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Julia E. Barnett.
Q How old are you, Mrs. Barnett? A I was 22 years old, yes 22 years old last month.
Q What is your postoffice address? A Estella.
Q You are an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is the name or was the name of your Cherokee husband; your husband through whom you claim your rights to citizenship?
A William Carpenter.
Q Is he living or dead? A No sir, he is dead.
Q When did William Carpenter die? A He died the 17th day of April, 1898 .
Q Now when were you married to William Carpenter? A The 7th day of May, 1897.
Q Had you ever been married before you married Mr. Carpenter?
A No sir.
Q He was your first husband? A Yes sir, he was my first husband.
Q Had he ever been married before he was married to you? A Yes sir, I suppose so, he had grown children, but his wife was dead.
Q Before you and he were married? A Yes sir.
Q Are you sure it was in May, 1897, that you and Mr. Carpenter were married? A Yes sir, I have the certificate here.

THE COMMISSION: The applicant offers in evidence a marriage certificate signed by Henry L. Cloud, a Minister of the Gospel, certifying that W. M. Carpenter of the Cherokee Nation and Julia Jackson, of the Cherokee Nation, were by him joined together in holy matrimony according to the uses of the Methodist Episcopal Church and the laws of the Cherokee Nation, Indian Territory, on the 17th day of May, 1897. The same is filed herewith and made a part of the record herein.

Q Now what was your maiden name? A Julia Jackson.
Q What was your father's name, Mrs. Barnett? A Jesse Jackson.
Q Was he a white man? A Yes sir.
Q He claimed no rights of Cherokee citizenship by blood? A No sir.
Q Is he living? A No sir, he died when I was about two years old.
Q What was your mother's name? A Mary Elizabeth Daugherty at this time.
Q Is she a white woman? A She is a white woman.
Q She claims no right to Cherokee citizenship by blood? A No sir.
Q Then you are a white woman? A Yes sir.
Q And claim only by virtue of your marriage in 1897 to Mr. Carpenter
A Yes sir.

Q Did you and Mr. Carpenter live together from the time of your marriage up to the time of his death? A Yes sir.
Q You and he were never separated during his life time? A No sir.
Q Since his death you have married again, have you? A Yes sir.
Q What is your last husband's name? A William Henry Barnett.
Q When were you married to Mr. Barnett? A In September ,1898.
Q Is he a white man or Cherokee citizen? A He is a Shawnee, both men were Shawnees.
Q Cherokee of Shawnee blood? A Yes sir.
Q You and Mr Barnett are living together now? A Yes sir.
Q And were living together on the first day of September,1902.
A Yes sir.
Q You and he have never been separated since the marriage, have you?
A No sir.

Examined by Mr. Hastings:
Q What is the date of the birth of this child, Mellie E. Carpenter?
A The 21st day of July, 1897.
Q By The Commission:
Q The 21st day of July, 1897, you say is the birth day of this child? A Yes sir.
Q Who was the father of this child? A W. M. Carpenter.
Q How long after your marriage was this child born? A I was married the 7th day of May and she was born the 21st day of August.
Q Did Mr. Carpenter recognize that child as his child and acknowledge it as his child during his life time? A Yes sir.
Q And treated it as his child? A Yes sir.
Q

Examined by Mr. Hastings.
Q Were you living together at the time of its birth? A Yes sir.
Q Were you living together at the time of Mr. Carpenters death?
A Yes sir.
Q You and he were never separated? A No sir, he was a drunkard and was away from home nearly all the time, but we were not separated.
Q Where di d he die? A Near Catale.
Q At whose house? A At my house, at his mother's home; we lived at his mother's home. She was a full blood lady.
Q You were present at the time he died? A Yes sir.
Q How long was the longest he was ever away from home? A About three weeks at a time.
Q You never were separated? A No sir, no more than in that way. I knew when he left and when he was coming back and we were never supposed to be parted.
Q You never at any time thought you were parted? A No sir.
Q How long had you known him prior to your marriage? A I have known him ever since I was about 8 years old.
Q Did you live near him then? A No sir, we lived about 35 miles from him. When we were married he was living about 2 miles from where my mother lived.
Q How long had he been living that near to you when you were married. A Yes, about 4 or 5 years I think.
Q Where was this child, Mellie Carpenter, born? A At my mother's home; I went there to my mothers, we were there visiting here and I taken sick there and she was born there.
Q Where is that? A Near Catale.
Q In the Cherokee Nation? A Yes sir.
Q Where has that child been since its birth? A Right around Catale and Vinita. It never has been out of the Territory, never has been down as far as this.
Q How long have you lived in the Cherokee Nation? A Ever since I was about 4 years; I was 4 years old when we moved here and I am on past 22 now.

Q You have lived in the Cherokee Nation all that time? A Yes sir.
Q Have you ever lived out of the Cherokee Nation since you and Mr. Carpenter were married? A No sir, I have been down in the States but once since we were married.
Q Was Mr. Carpenter a full blood Shawnee? A No sir, his mother was a full blood though; she can't speak a word of English.
Q What was his mother's name? A Mary Carpenter.
Q Is she living? A She was a few weeks ago.
Q What was her last name? A Her name is Mary Carpenter. She might possibly have a middle name, but I dont know it if she has.
Q

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings in the above entitled cause and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this December 18, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL)

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

May Hudson.

Subscribed and sworn to before me this 6th day of February, 1904.

Samuel Faxon
Notary Public.

Cherokee D-880.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia E. Barnett as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Nellie E. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N.

The record in this case shows that on November 20, 1900, Henry Barnett appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Nellie E. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood. The application also included Henry Barnett, but he is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at White Oak, Indian Territory, on June 3, 1902, and at Muskogee, Indian Territory, on December 17, 1902.

The evidence shows that on May 7, 1897, the applicant, Julia E. Barnett, a white woman, was lawfully married to one W. M. Carpenter, who is identified on the 1880 authenticated Cherokee roll as an adopted Shawnee. The minor applicant, Nellie E. Carpenter, is the daughter of the said W. M. Carpenter and Julia E. Barnett. Neither of the applicants are identified on any tribal roll, but Nellie E. Carpenter is duly identified by birth affidavit made part of the record herein.

It appears that the said W. M. Carpenter died in April, 1898, and that subsequent to his death the applicant, Julia E. Barnett, was married to one Henry Barnett, who is identified on the 1880 authenticated Cherokee roll as an adopted Delaware.

Section twenty-six of the Act of Congress approved July 1, 1902(Public No.241), provides:

> "....no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Julia E. Barnett as a citizen by intermarriage of the Cherokee Nation should be denied, under the provisions of law above quoted; and that Nellie E. Carpenter should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this MAR 2 1903

(COPY)

Cherokee 5-650

Muskogee, Indian Territory, May 31, 1902.

Mr. Henry Barnett,

Catalee, Indian Territory.

Dear Sir:

From an examination of the evidence in the matter of your application for the enrollment of yourself, wife and children as citizens of the Cherokee Nation, it appears that you testified that your wife was formerly married to William Carpenter, a Cherokee citizen by blood, and that the child, Mollie Carpenter, for whom you applied, was the issue of that marriage. You offered no proof whatever of such alleged marriage, and you were again requested by the Commission's letter of February 19, 1902, to submit further evidence relative to that marriage. You failed to make any response to that letter. Such evidence is very important in regard to the right of the child Mollie Carpenter to be enrolled, and you are now finally notified that unless you can furnish the Commission on or before June 16, 1902, with satisfactory proof, either documentary or in the form of personal testimony, regarding the marriage of your wife to William Carpenter, it may be found necessary to deny your application for the enrollment of said Mollie Carpenter.

You are urged to give this matter your prompt attention.

Yours truly,

Register. Commissioner in Charge

(MH)

Department D. [illegible]

Muskogee, Indian Territory, June 26, 1902.

Henry Barnett, Esq.,

Dalton, Indian Territory.

Sirs:

In the matter of your application for the enrollment, among others, of your wife, Julia E. Barnett, as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of her case, that you submit to this Commission either the original or a certified copy of the marriage license and certificate showing her marriage to her former husband, W. H. Carpenter. You are also requested to furnish the Commission with evidence as to the cause of her separation from her first husband.

This testimony must be furnished on or before July 25, 1902.

Yours truly,

Commissioner in Charge.

Registers.

(COPY)

Cherokee D-880

Muskogee, Indian Territory, October 28, 1902.

Mrs. Julia Barnett,

Estella, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 23, enclosing certificate showing your marriage on May 7, 1897, to W. M. Carpenter.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Commissioner in Charge.

Enc. M-5

(MH)

(COPY)

Cherokee D-850

Muskogee, Indian Territory, November 14, 1902.

Julia E. Barnett,

Catale, Indian Territory.

Dear Madam:

You are hereby advised that, before determining your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, and submit further testimony.

You will be allowed 15 days from date hereof, in which to appear before the Commission. Please give this matter your immediate attention.

Respectfully,

Acting Chairman.

Register.

(MH)

(COPY)

Cherokee B-880

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage, and granting his application for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. B-2178

Chairman.

(COPY)

Cherokee D-150

Muskogee, Indian Territory, March 30, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage, and for the enrollment of his step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, including the Commission's decision, dated March 2, 1903, rejecting his application as to his wife and granting said application as to his step-child.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(MH)

(COPY)

Muskogee, Indian Territory,
March 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage, and for the enrollment of his step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, including a copy of the Commission's decision, dated March 2, 1903, rejecting his application as to his wife, and granting his application as to his step-child.

Respectfully,

(Signed) Tams Bixby,
Chairman.

Enc. M-48

Through the

Commissioner of Indian Affairs.

(MH)

(COPY)

Cherokee D-850

Muskogee, Indian Territory, March 20, 1903.

Henry Barnett,

Estella, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Julia E. Barnett, as a citizen by intermarriage, and for the enrollment of your step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, together with a copy of the Commission's decision, dated March 2, 1903, rejecting your application as to your wife, and granting your application as to your step-child.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) Tams Bixby.

Chairman.

ENC.M-247
Register.

(MM)

Refer in reply to the following:

Copy.

Land- 19,024,1903.

Department of the Interior,

Washington, Oct. 21,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report of the Commission to the Five Civilized Tribes, dated March 20,1903, transmitting the record in the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as an intermarried citizen of the Cherokee Nation, and for the enrollment of his stepchild, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

March 2,1903, the commission held that Mollie R. Carpenter was entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, and that Julia E. Barnett was not entitled to enrollment as an intermarried citizen.

The record in this case shows that on May 7,1897, Julia E. Barnett, a white woman, was married to W.M.Carpenter, whose name appears on the 1880 roll as an adopted Shawnee. Mollie R. Carpenter is the issue of that marriage.WM.Carpenter died in April 1898 and on September 1,1898, Julia E. Carpenter was married to Henry Barnett. Henry Barnett, the commission says, is identified by the 1880 roll as an adopted Delaware.

The approval of the commission's decision is recommended in so far as it relates to the enrollment of Mollie R. Carpenter, and inasmuch as Julia E. Barnett applies for enrollment as an intermarried citizen, and as the Court of Claims has not made finding

and rendered an opinion concerning the questions submitted to it by the Department February 24, last, it is recommended that the decision rejecting Julia E. Barnett be not approved, and that her right to enrollment be passed upon hereafter in accordance with the findings and opinion of the Court of Claims and the record in the case.

Very respectfully,

W.A.Jones,

Commissioner.

(E.A.W.).P.

D0-51509-1903 7220 F.P.

Department of the Interior. RHB

I.T.D.7550-1903. Washington, November 7,1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Julia E. Barnett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, received with your letter of March 20,1903, and the Commissioner of Indian Affairs' letter of March 21,1903.

It appears that on May 7,1897, Julia E. Barnett, a white woman, was lawfully married to W.M.Carpenter, who is identified on the 1880 authenticated Cherokee roll a s an adopted Shawnee. Mollie Carpenter is the daughter of said W.M.Carpenter and Julia E. Barnett, and is identified by a birth affidavit. Carpenter died in 1898, and subsequent to his death Mrs. Carpenter was married to Henry Barnett, who is identified on the 1880 authenticated Cherokee roll as an adopted Delaware.

March 2,1903, you rendered your decision, holding that the application for the enrollment of Julia E. Barnett as a citizen by intermarriage should be denied; that Mollie R. Carpenter should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section 21 of the act of June 28, 1898 (30 Stats., 495).

The Commissioner of Indian Affairs recommends that your decision be concurred in, so far as Mollie R. Carpenter is concerned. He states, however, as Julia E. Barnett applies for enrollment as an intermarried citizen, that a decision should not be rendered as to her until the Court of Claims has passed upon the question of the rights of intermarried Cherokees submitted to it February 24, 1903.

Your decision is affirmed, so far as Mollie R. Carpenter is concerned, and action will be suspended relative to Julia E. Barnett.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-850

Muskogee, Indian Territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, rejecting the application for the enrollment of Julia E. Barnett as a citizen by intermarriage, and granting the application for the enrollment of her minor child, Mollie R. Carpenter, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said child, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(MH)

(COPY)

Cherokee D-650

Muskogee, Indian Territory, November 16, 1903.

Julia E. Barnett,

Estella, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 2, 1903, granting the application for the enrollment of your minor child, Mollie W. Carpenter, as a citizen by blood, and rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to your said child, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(MH)

Cher 10351

Richard M. Locker

Trans. from D908

Cher 10351

DOUBTFUL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., December 7, 1900.

In the matter of the application of Richard M. Locker, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation; said Locker being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Richard M. Locker.
Q What is your age? A 38 years old.
Q What is your posteffice address? A Talala, Indian Territory.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Always have been, yes sir.
Q Are you now? A Yes sir.
Q Whom do you want to enroll? A I want to enroll Lola Locker.
Q Have you got a wife? A Yes sir.
Q Yourself wife and family? A Yes sir.
Q What is the name of your wife? A Willie May.
Q Is she a citizen of the Cherokee Nation? A No sir, intermarried.
Q What was her name before you married her? A McKennon.
Q Have you a certificate of marriage? A Yes sir.
Com'r: Applicant presents a certificate of marriage certifying that he was married to one ~~Mary~~ Mamie McKennon on the 7th day of January 1895, by J. M. LaHay, Clerk of Cooweescoowee District.
~~Q Your wife's name is Willie May you say? A Yes sir.~~
Q This says Mamie? A Yes that is the way the license was.
Q What is the name of your children? A Lola Ruth.
Q How old is she? A Four years old. Dallas C.
Q Dallas C. is two years old? A Yes sir. John S. one year old.
Q Is your name on the roll of 1880? A No sir.
Q By what right do you claim citizenship? A I was readmitted here.
Com'r: Applicant presents a certified copy of an Act to readmit to citizenship, Margaret S. Locker, et al; that Act havin been approved by William, Ross, Principal Chief of the Cherokee Nation, in '72, November 22. The correctness of the same is certified to under the seal of the Cherokee Nation by W. H. Mayes, Assistant Executive Secretary.
Q In said certificate I find the name of R. M. Locker, are you the identical R. M. Locker mentioned in this certificate? A I am.
Q You were admitted in 1872, how does happen that your name is not on the roll of 1880? A I was not here in 1880.
Q When did you remove to the Cherokee Nation? A I come here in 1885, November.
Q How old were you when you come here? A I was about 18.
Q Have you been living here continuously since 1885? A Yes sir, I have always made this my home.
Q How long did you live out? A I just went out. I have been out of here for a year at a time.
Q When was the last time you went out? A I went out of here in '94 I guess.
Q With your family? A No, I was not married.
Q Have you been living here ever since you married? A Yes sir.
INTERROGATORIES BY W. W. HASTINGS, CHEROKEE REPRESENTATIVE:
Q How long did you stay here in 1885 when you removed to the Cherokee Nation? A I stayed here until '87 or '88.
Q Then where did you go? A To Texas.
Q Where you formerly lived? A Yes sir, that was where I was born.

Richard M. Locker---2.

Q How long did you stay down there that time? A About 8 months I guess.
Q Then you came back to the Cherokee Nation? A Yes sir.
Q That was in 1888? A I demot remember, it was 1888 I think when I went down there.
Q When was it you came back? A It must have been '89 I come back in.
Q How long did you remain here that time? A I do not remember just how long I did stay that time, I guess I was here about a year.
Q And then you went back to Texas? A Yes sir.
Q Well then how long did you stay in Texas that time? A About three months I just went down on a visit.
Q When did your mother come to the Cherokee Nation? A My mother, let me see, I could not tell you, she come here several times; the last time she was here I guess it must have been in; she lived here in 1876 and '77; she died in Texas.
Q When did she die? A I guess she died along in '78 or '79.
Q Did your father ever remove to this country? A My father is dead.
Q When did he die? A He died in 1883 or '83.
Q Whom did you live with when you come up here in 1885? A I lived with Thol Nicholson.
Q What is his postoffice? A Alluwe.
Q Does he live there now? A No sir, he is dead.
Q When were you born? A I was born in '67.
Q Have you lived here ever since you were married in 1895?
A Yes sir, I have not been out of the Cherokee Nation since I have been married except a day or such matter.
Q Is your wife a white woman? A Yes sir.
1896 roll, page 201, #2900, Richard M. Locker, Cooweescoowee.
~~1896 roll, page 313, #612, Willie M. Locker, Cooweescoowee.~~
1896 roll, page 201, #2901, Lola R. Locker, Cooweescoowee.
Q BY COMMISSION NEEDLES: Are these children alove and living with you at this time? A Yes sir.
Q Have you lived with your wife continuously since you married her?
A Yes sir.
Q Are you her first husband? A Yes sir.
Q Is she your first wife? A Yes sir.

COMMISSIONER NEEDLES: The name of Richard M. Locker, appears upon the census roll of 1896. He makes satisfactory proof of his marriage to one Willie May McKennon, a non-citizen on the 7th day of January, 1895, and her name appears upon the census roll of 1896. His oldest child, Lola R., appears upon the census roll of 1896 and he makes satisfactory proof of birth of two children, Dallas C., and John S. whose names do not appear upon the Census roll of 1896, they having been born since the same was compiled. The name of Richard M. Locker is not upon the authenticated roll of 1880, but he presents a certificate of admission certifying that he was admitted to Cherokee citizenship in the year 1872, said certificate being more particularly described in the testimony. Because of the testimony as to his residence and no proof as to his readmission being produced, final decision as to the enrollment of said Locker as a Cherokee citizen by blood, and his wife Willie M., as a Cherokee by intermarriage, and his three children as enumerated herein, will be suspended and their names will be placed upon a doubtful card.

J. O. Rosson, being first dulysworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded

R.M. Locker---8.

the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reaser

Subscribed and sworn to before me this 8th day of December, 1900.

T. B. Needles,
Commissioner.

I, the undersigned, upon oath state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 2nd day of February, 1904.

J. Pearson
Notary Public.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Dec. 7, 1900. 1906.

1 Name Richard M. Locker, Talala, I.T.

District Cooweescoowee Year 1896 Page 201 No. 2900

Citizen by blood yes Mother's citizenship

Intermarried citizen No.

Married under what law Date of marriage

License Certificate

2 Wife's name Willie M. Locker

District Cooweescoowee Year 1896 Page 313 No. 612

Citizen by blood * No. Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

3	Lola R. Locker	Dist. Cooweescoowee	Year 1896	Page 201	No 2901	Age 4
4	Dallas C "	Dist. - - -	Year - -	Page --	No. - -	Age 2
5	John S "	Dist. - - - - -	Year - -	Page -	No. - -	Age 1
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

4 and 5 Birth affidavits supplied.

(COPY) Cherokee 10351

S U P P L E M E N T A L T E S T I M O N Y.

D-661 & D-908.

DEPARTMENT OF THE INTERIOR,
S COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., March 1st, 1901.

IN THE MATTER OF THE APPLICATION OF MARTHA L. HARRIS, D-661 and R. M. Locker, D-908.

Mary H. Nicholson, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary H. Nicholson.
Q What is your age? A Sixty-five.
Q What is your postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Robert Harris. A I know him, yes sir.
Q Do you know Martha L. Harris? A Yes sir, her mother was a niece of my husbands.
Q Well state any thing you may know in regard to Mr. Harris wife, Martha L. living in Texas. A Cal Locker was her father and Margaret was her mother. They moved away from our house.
Q Where was that, inthe Cherokee Nation? A Yes sir, they built them a house on my place and was going to live there.
Q Who was that? The mother and father of this mans (Harris') wife; they lived there until Spring; he plowed his ground over one time; her health gave way and they took her to Texas; she had dropsy and some lung trouble and she did not live very long.
Q Who did not live ex very long? A Margaret Locker, the mother of this girl. (Lartha L. Harris) She did not live very long; I suppose this girl was not more than 12 years old when her mother died. He (Cal Locker) thought they would come back when she regained her health and she died and he never did come back.
Q When did Martha L. come back. A About 13 years ago.
Q Was she married when she came back? A Yes sir.
Q Married to Mr. Harris? A Yes sir.
Q Do you know anything about their marriage? A No sir I dont know. They married in Texas.
Q Did they marry afterwards in the Cherokee Nation? A That's what he told me.
Q You do not know yourself? A No sir.
Q You say that Martha L. was a minor when she was taken away by her father? A Yes sir, about 12 years old.
Q When she came back she was married? A Yes sir and had about three children.
Q Came back about 13 years ago? A Yessir.
Q Do you know how old she was when she came back? A No sir, I dont know just exactly.
Q

Robert Harris, being sworn and examined by Com'r T.B.Needles, testified as follows:
Q Mr. Harris, how old was your wife when you married her? A About seventeen.
Q How long did you live in Texas before you removed to the Cherokee Nation with her? A We lived there about 8 year and then we came here and I put down a place and started improvements; her health got so bad; she was affected like her mother; and we traveled around about a year.
Q About how old was she when you first removed with her? About 22 years old? A Yes sir.

Q She had two children then? A Yes sir.
Q Born in Texas? A Yes sir.
Q The remaining children you applied for were born in the Cherokee Nation, were they? A Yes sir.
Q You stated that you were remarried according to the laws of the Cherokee Nation? A Yes sir.
Q But you have not filed any proof of that. A No sir, I have not sent for the certificate, I have just neglected it; I can get that any time.

By Mr. Emmett Starr, Cherokee representative.

Q Your wife was born about 1855 was she not? A Yes sir to the best of my knowledge.
Q Your wife was admitted to citizenship about 1872 was she not? A Yes sir.
Q You married her in Texas about 1882? A Yes sir.
Q And you came here about 1892 permanently? A Yes sir, I came here and stayed a couple of years and her health got bad and I traveled around.

Com'r. T. B. Needles:
~~Q The first time you came was in 1892? A No sir, 1887.~~
Q When you came in 1887 how long did you stay ? A Year and a half or two years.
Q And then you traveled around for health? A Yes sir.
Q When you came in 1887 did you have any improvements here? A Yes sir.
Q When you were traveling around with your wife, did you leave any improvements and household effects here? A I left my improvements here, not my household effects.
Q When you were traveling did you establish a permanent residence anywhere? A No sir.
Q What states did you travel through? A The Territory and down in Texas.
Q How long? A About two years or something like that.
Q Is R.M.Locker a brother of your wife's? A Yes sir.
Q Is he married now? A Yes sir.
Q

Mary H. Nicholson, recalled, testified as follows:
Q Do you know R.M.Locker? A Yes sir.
Q Was he a brother of Martha L. Harris? A Yes sir,
Q Is your testimony in regard to his removal and return the same as of Martha L. Harris? A Yes sir.
Q They went at the same time? A Yes sir.
Q And they returned at the same time? A I think he returned a short time before.
Q Was he older or younger than Martha L.? A Younger.
Q Was he married when he came back? A No sir, he came back under age.

Q Has he married since? A Yes sir.
Q

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me this 1st day of March, 1901.

(Signed) T. B. Needles,
Commissioner.

I, the undersigned, being duly sworn, on oath state that the foregoing copy was made by me and that the same is a true and correct copy of the original transcript.

May Hudson

Subscribed and sworn to before me February 2, 1904.

J Rosen
Notary Public.

R.
C. D.-908.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. March 12, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Richard M. Locker, for the enrollment of himself, wife and children, as citizens of the Cherokee Nation.

APPEARANCES:
A. S. McKennon, South McAlester, I. T/, for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by Registered letter, February 20, 1902 that his application for the enrollment of himself as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T. on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter; and the applicant this day to-wit; the 12th day of March, 1902, appears in person and by his attorney, A. S. McKennon, South McAlester, I. T.

Richard M. Locker being first duly sworn and being examined, testified as follows:

BY MR. McKENNON: What is your name?
MR. LOCKER: Richard M. Locker.
Q What is the date of your birth? A August 22, 1867.
Q The record in this case shows that you were admitted to Cherokee citizenship, November 22, 1872; you were then about five years old?
A Yes sir.
Q When did your fmily move to the Cherokee Nation? A Moved there in 1872, along in that year or the year before.
Q Either in 1872 or the year before? A Yes sir.
Q How long did they live here continuously? A Lived here then until 1877 or 1878.
Q Where did they then go? A Moved to Texas.
Q Why? A Father went there on account of mother's health, moved back there on account of her health.
Q Was it the purpose of your father to return in case she recovered her health? A Yes sir.
Q Did she recover her health? A No sir, she died there.
Q When? A Along about 1879, 1878 or 1879.
Q How long after the family left here? A It was something near a year I guess.
Q When your father left here had he any improved land or any other effects of any kind or any property of any kind? A Yes sir, he had a place that was improved.
Q Did he live with her when he left? A Yes sir.
Q Had he disposed of it then? A No sir, I think not.
Q Did he return to the Territory at all? A No sir, he did not.
Q Why? A He died in Texas, died in 1883 or 1884.
Q Do you know whether he had purposed to return to the Territ ory.?
A Yes sir, he said he did.
Q What did he say about it?

The foregoing question was objected to by Mr. Hastings, Attorney for the Cherokee Nation.

BY COMMISSION: Objection will be noted.

MR. HASTINGS: A further objection is urged by the representative of the Cherokee Nation, that this man will depend upon himself and not his father as his father died in the state of Texas, and the Cherokee Nation contends that this man forfeited his rights to citizenship by his own stay in Texas and not that of his parents.

MR. McKINNON: Go on and state what he said about it.
A He said that he intended to bring us children back here.. That it was his intention to send us to school.
Q Cherokee school? A Yes sir.
Q When did you return to the Territory? A In 1886.
Q How old were you then? A About 18 or 19.
Q How long did you remain here then? A I have got this for my home ever since.
Q Were you enrolled as a Cherokee and if so, when? A After my mother died you mena?
Q Yes? A I was enrolled in 1886.
Q Have you been away from here since that time? A I went to Texas to visit. I visited in Texas.
Q State when and how long you remained? A That would be hard for me to do. I don't remember just when or how long, I went there several times. I went to Texas in 1888 I believe to the best of my recollection.
Q When were you married, what date? A 7th day of January, 1895.
Q Have you ever been out since that time? A No sir.
Q Have you resided here continuously since that time? A Yes sir.

Marriage certificate shows date January 7, 1895.

Q Did you then establish your household here? A Yes sir.
Q And have maintained it ever since? A yes sir.
Q Have you had any other home since you came in 1895? A No sir.
Q Have you ever voted in the state of Texas? A No sir.
Q Never exercised the rights to citizenship there at all? A No sir
Q From 1885 until you married in 1895, what did you do when you were here? A I worked on the farm, at whatever I could get to do.

MR. HASTINGS: Ever voted in the state of Tennessee? A No sir.
Q Ever voted in North Carolina? A No sir.
Q Ever voted in Missouri? A No sir.
Q When did you vote in the Cherokee Nation? A I voted here-- I could not tell what years. All of them voted I believe, in 1886.
Q Who did you vote for in 1886? A I voted for-- the first time I voted it was the year Rabbit Bunch and Joe LaHay was running for office, I don't know what year.
Q Were they running for Chief? A Yes sir.
Q Joe LaHay never ran for Chief? A If I said Joe LaHay I miscalled the name.
Q You said awhile ago that your father left the farm, that was in the Cherokee Nation? A Yes sir.
Q All of the land that was within the boundary of the Cherokee Nation is still here? A Yes sir.
Q What became of the improvements? A I don't know.
Q Did it revert to the public domain? A I don't know.
Q Your father just left it and went off? A He x left it but he didn't just leave it and go off.
Q What became of the farm? A He left it in charge of old lady Brown.
Q Somebody jumped it and took it? A I don't know whether they did or not.
Q You have never seen it? A No sir.
Q Never had the proceeds from it? A No sir.
Q Where were you born? A In Texas.
Q How long were you up here after 1872 when you were admitted?
A Went back in 1877 or 1878.

Q Did you stay here continuously from 1872 to that time? A Yes sir
Q Then you came back in 1888? A Yes sir.
Q You testified before that you went back to Texas in 1888 or 1889, is that correct? A I testified that I came here in 1888.
Q How long did you stay down there that time? A I couldn't tell you just how long I stayed there that time.
Q Your best judgment? A I was there about something near a year I guess.
Q What did you do there? A Went down to visit.
Q To visit that year or work down there? A Visited part of the time and part of the time I worked.
Q What were you doing up here the year before visiting? A Working.
Q You worked down there just like you work up here? A Yes sir, I worked wherever I went.
Q That is what I supposed, you never settled down until after you married, that is the truth isn't it? A I always made this my home since 1888, but then I never had any land here or anything until 1885.
Q Until you were married 1895? That fact of the business in your home was wherever you were at until that time? A No this was my home.
Q Why was this your home, for instance suppose you were in Texas as you said you were for a year, what is the difference between this place and that to you at that time? A Because this was naturally my home. I had an interest here.
Q You never had an individual interest aside from the common interest? A I don't know whether you would call it that or not, this is my home.
Q What place in the Cherokee Nation was your home when you were in Texas in 1888 or 1889, that year, whatever date it was? A Stayed up around the Verdigris, that is where I always made my home.
Q You had no particular place? A Why, no.

MR. MC KENNON: From the time of your admission were you always recognized as a citizen of the Cherokee Nation by the Nation?
A Yes sir.
Q From the time you became of age did you vote in the Cherokee elections and have you done so up to the present time? A Yes sir.
Q You never voted in any other state or anywhere else? A No sir, never voted in any other state.
Q You have never been a citizen of any other state so far as exercising the franchise is concerned? A No sir.
Q Or in any other manner.

MR. HASTINGS: Who did you vote for here; I don't mean the details, I mean the head man, the Chief, who did you vote for and when?
A I could not tell just what year the election was.
Q Do you know the man? A I voted for Rabbit Bunch when he ran for Chief.
Q What he ran for Chief at the last election. A I don't know what the name of the man was I don't remember.
Q Do you know what year Rabbit Bunch ran for Chief? A No sir, I don't.
Q Did you ever vote for anybody else for Chief since then? A Yes sir.
Q Who? A I don't just remember the man's name.

The attorney for the applicant and the representative of the Cherokee Nation here present submit the case and the same is considered completed, and will be reported for final decision to the Commission based upon the evidence now submitted.

The attorney for the applicant requests and will be granted fifteen days in which to file a brief in this case; one copy for the Commission and one copy for the representatives for the Cherokee.

I, Wm. Hutchison, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm. Hutchison.

I, the undersigned, upon oath state, that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 3rd day of February 1904.

Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., June 8th, 1902.

In the matter of the application of Richard M. Locker et al for enrollment as a citizen of the Cherokee Nation, Cherokee D-908.

Brief on part of the Cherokee Nation.

Testimony shows that the applicant was admitted to citizenship in the Cherokee Nation on November 22, 1872, and continued to reside with his father and mother until 1877, when the family left the Cherokee Nation and went to the state of Texas and continued to reside until 1885 when applicant claims to have made visits back and forth to the Cherokee Nation and no permanent residence is shown until after his marriage in 1895. The testimony is positive that the applicant father and their family had no effects whatever in the Cherokee Nation after they left here in 1877 or 1878. They had previously a small claim upon the public domain of the Cherokee Nation, no effort subsequent to that time having been made to reclaim it which is certainly conclusive that they never regarded it as a home.

When the 1880 roll was made they were all residents of the state of Texas and they were very properly not enrolled at that time and the residence of the parents was the residence of the applicant, R. M. Locker; the domicile of the child being that of the parent.

The Act of Congress confirmed the roll of 1880 it determines that the persons whose names appear thereon are entitled to be enrolled as citizens of the Cherokee Nation and in as much as he and his parents were residents of the state of Texas at that time and not entitled to be enrolled upon said roll, confirmed by the Act of Congress, we certainly contend that it was necessary for the applicant to have been readmitted to citizenship in the Cherokee Nation upon his final return to the Cherokee Nation. We contend that the evidence does not show any residence in the Cherokee Nation between 1877 and 1895 and for the reasons above assigned we do not believe the applicant should be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

(Signed) W.W.Hastings,
Attorney for the Cherokee Nation.
J.C.S.

(MM)

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 30th, 1902.

- - - - - - - - - -

In the matter of the application of Richard M. Locker for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Lola R., Dallas C. and John S. Locker as citizens by blood of the Cherokee Nation.

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Supplemental to D-908.

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Appearances:
Robert B. Harris for applicant,
J. C. Starr for Cherokee Nation.

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ROBERT B. HARRIS, being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Robert B. Harris.
~~Q What is your age? A Near forty-one.~~
Q What is your postoffice? A Oolagah.
Q Are you acquainted with Richard M. Locker? A Yes sir.
Q Are you acquainted with his, wife, Willie M., who is an applicant in this case as an intermarried citizen? A Yes sir.
Q How long have you known Richard M. Locker. A I have known him for 20 years.
Q How long have you known his wife, Willie M.? A 8 years I suppose.
Q Do you know when Richard M. Locker and Willie M. Locker were married? A They were married in January, 1895.
Q January, 1895? A Yes sir, to the best of my knowledge.
Q Was Richard M. Locker married prior to his marriage to this woman? A No sir.
Q Was she married prior to her marriage to him? A No sir.
Q She is his first wife and he is her first husband? A Yes sir.
Q Have they lived together from the time of their marriage up to the present time? A Yes sir.
Q Never been separated? A No sir.
Q Living together on the 1st of September, 1902, as husband and wife? A Yes sir.
Q How long has Richard M. Locker lived in the Cherokee Nation?
A Well sir, he has been pretty nearly raised here. He has been out and in all his life. I don't know whether he was born here or not. He was here in 1887. I know he was here then. He has been here continuously for the last ten years.
Q How long has his wife been in the Cherokee Nation?
A I will say eight years.
Q Lived here continuously since then? A Yes sir.
Q Is his wife, Willie M. and his children, Lola R., Dallas C. and John S. all living at this time? A Yes sir.
Q Have these children always lived in the Cherokee Nation?
A Yes sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above entitled case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 11th day of October, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL)

I, the undersigned, state upon oath that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy of the original transcript.

Jesse Hudson

Subscribed and sworn to before me February 2, 1904.

J. Johnson
Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I. T., February 10th, 1903.

- - - - - - - - - - -

IN THE MATTER OF THE APPLICATION OF RICHARD M. LOCKER, ET AL., FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE NATION.

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Cherokee D-108.

- - - - - - - - - - -

PROTEST OF THE CHEROKEE NATION.

- - - - - - - - -

Comes now the CherokeeNation and respectfully protests against the decision of the Commission rendered hereon on February 2nd, 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed before the Commission on the part of the Cherokee Nation, wherein the reasons are fully set forth why the Cherokee Nation does not believe that the applicants were entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully submitted.

(Signed) W. W. Hastings,

Attorney for the Cherokee Nation.

(AH)

Talala, Ind. Ter.

Jan:- 24th, 1901.

Mr. Breckenridge:-

Dear Sir:-

Please allow me to ask you as one Arkansian of an other; when a Cherokee citizen by blood has been put on the Doubtful Roll, what can be done to reinstate them. Many of the Cherokee people and like our own State people they are ignorant, and it is not right nor just for them to be disenherited for that cause. I know one R. E. Locker who was left an orphan and never received an education. The Lockers lived in Texas. The Nicholsons, Gunters; Typer, Scripsmore and many other Cherokee relatives lived here in the Cherokee Nation. His father Carroll Locker died when Rick was 16, so he was left homeless, and as many of that class of humanity will just lived back and forth from Texas here. Not knowing or even suspecting that he was forfiting any right to his heritage here. But in 1893 when he met and married his wife and settled down, commenced in good faith to make a home here, the Cherokees recognized him as a citizen and included him for the strip payment - I know this for I saw them put him on the Roll

All the Cherokees recognize him as a decendent of that Gunter family. Dick is in lots of trouble for he feels that if he is cut off, he is financially ruined, and you know this means very much to any man with a wife and little helpless children. He did not ask me to write this but when I see the great distress they are in over this, I thought I would appeal to you for advise. Just write me what steps for him to take if there is any show for him. If when you look at his case and know he will be cut off no matter what he can do tell me so; for he is poor and his family needs all they have. To be plain I do not see how he can defend his case, and make a crop this Spring. His wife is a Great Niece of Capt A. S. McKennons and were Mr. McKennon on the Commission I am satisfied would help him. Now will you answer this at once for you have no idea what a comfort it would be to them. The Claremore Progress published a statement that the Commission from the 6th of this month to the 28 of next month are giving all Cherokees who from any cause could not appear before them at any of those enrolling Precints a chance to enrool and that they were not trying them on the Doubtful Roll. Of course this confuses the the uneducated uninformed people and they do not know what to do. So of course to find out they should ask some member of the Commission and then they would what to depend on. Dick lives 4 miles from the Post Office, so if you will be kind enough to answer this, I will gladly show it to him.

Hoping to hear from you by return mail I am

Very kindly

Mrs. Annie Bible,

Talala, I. T.

(COPY)

Muskogee, Indian Territory, March 9, 1902.

Capt. A. S. McKennon,
Attorney at Law,
Wewoka, Indian Territory.

Dear Sir:

As requested by Mr. Richard M. Locker under date of March 4, 1902, there is enclosed you herewith a copy of the testimony taken in the matter of his application for enrollment as a citizen of the Cherokee Nation.

This applicant is listed upon a doubtful card and final hearing of his case is set for March 12, 1902.

Please sign and return to the Commission receipt for this testimony.

Yours truly,

Commissioner in Charge.

Inc. J-4

(COPY)

Cherokee D-906

Muskogee Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola E., Dallas C. and John S. Locker as citizens by blood, and for the enrollment of Willie M. Locker as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby,

Enc. M-7242 Acting Chairman.

(MM)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

A. S. McKennon,

Attorney for Richard M. Locker et al.,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. M-104
Register.

(Signed) Tams Bixby,
Acting Chairman.

(MM)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record and proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

(WM)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Enc. M-2104

Through the

Commissioner of Indian Affairs.

(MH)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

Richard M. Locker,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of yourself and your three minor children, Lola M., Dallas C. and John S. Locker as citizens by blood, and for the enrollment of your wife, Willie M. Locker, as a citizen by intermarriage for the Cherokee Nation.

There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. M-3103

(Signed) Tams Bixby,
Acting Chairman.

Register
(MH)

Refer in reply to
the following:
Land
12836-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington. August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting a record of the application of Richard M. Locker for the enrollment of himself and three minor children - Lola R., Dallas C., and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by inter-marriage of the Cherokee Nation.

February 2, 1903, the Commission held that the applicants who apply for enrollment by blood were entitled to enrollment as such, and that Willie M. Locker should be enrolled as an inter-married citizen of the Cherokee Nation.

The Nation by its attorney protests against the Commission's decision.

The record in the case shows that Richard M. Locker was born in the State of Texas in 1867; that he and his mother, Margarett S. Locker, were admitted to citizenship in the Cherokee Nation November 22, 1872; that they resided in the Nation until 1877 or 1878, when they returned to Texas on account of his mother's health; that in

1884 Margarett S. Locker, the mother of the principal applicant, died, and that in 1885 the principal applicant returned to the Cherokee Nation. It futher shows that frpm 1885 to 1895 Richard M. Locker spent part of his time in the State of Texas and part in the Cherokee Nation; that since about January 7, 1895, he haeresided continuously in the Nation up to and including September 1, 1902. The record further shows that the principal applicant was a minor at the date he was admitted to citizenship; that his name appears on the 1894 Cherokee pay-roll, also the 1896 census roll, and that he was lawfully married to Willie M. Locker, nee McKennon, in accordance with the laws of the Cherokee Nation, January 7, 1895. The minor children above mentioned are the issue of this marriage.

Lola R. Locker is identifed by the 1896 roll, Dallas C. and John S. Locker were born subsequent to the date that roll was made, and are properly identified by birth affidavits, which appear in the record.

The name of the principal applicant appearing on the 1894 script payment roll and the 1896 census roll, the officebelieves that the decision of the Commission in so far as it relates to the enrollment of the applicants who apply as citizens by blood is correct, and its approval to that extent is recommended.

Attention is respectfully invited to Department letter of July 27, 1902, (I.T.D. 5816).

Very respectfully,

GAB-R

Commissioner.

D.C.51507 .

DEPARTMENT OF THE INTERIOR. J.W.H.
WHR.

ITD 6476-1 903. Washington.

L.R.S.

November 7, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report of February 18, 1903, transmitting the record and papers relating to the application of Richard M. Locker (Cherokee D 908), for the enrollment of himself and his three minor children, Lola R., Dallas C., and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by marriage of the Cherokee Nation, including your decision of February 2, 1903, granting said application

After examining the evidence carefully, the Department concludes that your finding of facts is correct. It is as follows:

The printed Acts of the Cherokee Nation (1872, page 31,) show that the said Richard M. Locker and his mother, Margaret S. Locker, were admitted to citizenship in the Cherokee Nation on November 22, 1872. The evidence shows that the said Richard M. Locker was a minor at that date. The 1894 pay roll of the Cherokee Nation shows that the said Richard M. Locker is identified on that roll. He is also identified on the 1896 census roll of said Nation. The evidence further shows that the said Richard M. Locker was lawfully married on January 7, 1895, to Willie M. McKennon, a white woman, the marriage certificate giving her name as Mamie McKennon. The said Willie M. Locker is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the minor children herein applied for, are the children of Richard M. and Willie M. Locker,

The minor child, Lola R. Locker, is identified on the 1896 census rill of the Cherokee Nation. The two minor children, Dallas C. and John S. Locker, are too young to be upon any tribal roll of the Cherokee Nation. They are identified by ~~birth~~affidavits of birth made a part of the record herein.

The evidence further shows that the said Richard M. Locker was taken from Indian Territory about 1877 or 1878; that he returned to the Cherokee Nation in 1885; that from 1885 to 1895 he spent a portion of the time in the State of Texas and a portion in the Cherokee Nation; that since January 7, 1895, he and his wife, Willie M. Locker, have resided together continuously in the Cherokee Nation up to and including September 1, 1902. The residence of the minor children herein applied for is that of their parents.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs recommended that your action be approved as to those applicants who claim enrollment as citizens by blood of the Cherokee Nation.

The Department considers that your decision is in accordance with the law and the facts.

Said decision is accordingly affirmed so far as it affects those applicants who claim byblood.

The Department will not at this time render a decision in the aplication of Willie M. Locker, who claims as a citizen of the Cherokee Nation by intermarriage.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-908

Muskogee, Indian Territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola RO., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(M.)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, November 16, 1903.

A. S. McKennon,

Attorney for Richard M. Locker,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola K., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, Novembe 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(MR)

(COPY)

Cherokee D-908

Muskogee, Indian Territory, November 16, 1903.

Richard M. Locker,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting your application for the enrollment of yourself, and your three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of your wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said wife, November 7, 1903.

Respectfully,

(Signed) Tams Bixby,

Chairman.

(Mh)

Cher 10352

Adam Brackett

Trans. from D93

Cher 10352

893

DEPARTMENT OF THE INTERIOR
SSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 15 1900

ACTING CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes.
Sallisaw, I. T., August 7th, 1900.

In the matter of the application of Adam Brackett et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testifies as follows:

Q What is your full name? A Adam Brackett.
Q What is your age? A 55.
Q What is your post-office? A Sallisaw.
Q What is your district? A Sequoyah.
Q For whom do you make application for enrollment? A Myself and children.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q Are you on the roll of 1880? A Think not.
Q Why are you not on the roll of 1880? A Wasn't here.
Q How did you acquire your citizenship; by the action of the Cherokee authorities? A Yes sir.
Q Where did you come from? A Georgia.
Q Have you your ~~[illegible]~~ certificate of admission? A Yes sir.

Mr. Brackett, you present here a statement under seal by W.H. Mayes, Assistant Executive Secretary, Executive Department, Cherokee Nation, dated Tahlequah, Feb. 18th, 1892, stating that you among others were re-admitted to all the rights and privileges of Cherokees by blood by the Citizenship Commission of date 1889. It will be necessary, Mr. Brackett, for you to get from Tahlequah a certified copy of the judgment of the Commission rendering the decision, admitting you to citizenship.

Q Have you lived in the Cherokee Nation ever since the date you claim to have been admitted in 1889? A Yes sir.
Q Give me the names of your children? A Benjamin.
Q How old is he? A About 14.
Q What's your next child? A LizzieMayes.
Q How old is that child? A 10 years old.
Q What's your next child? A Annie.
Q How old is that child? A 5 years old.
Q Anymore? A That's all.
Q Now your child Benjamin was living at the time you claimed to be admitted to citizenship? A Yes sir.
Q Was he admitted the same time you were? A Yes.
Q His name is identified in the certificate that you have presented here from the Assistant Executive Secretary? A Yes sir.
Q Was Lizzie born since you were admitted to citizenship? A Yes sir.
Q And of course Annie was born since that time? A Yes sir.
Q Is the mother of these children dead? A No sir.
Q Was she admitted to citizenship the same time you were? A Yes sir.
Q What is her name? A She's not on the roll, she's adopted; she's a white woman.
Q Then she was not admitted to citizenship the same time you were? A No sir.
Q Who is Acalline Brackett mentioned in the certificate presented here? Was she your wife? A No.
Q What was she? A My eldest girl.
Q What is the name of the mother of these children for whom you apply? A Annie Brackett.
Q She's not on any of the rolls of the Cherokee Nation? A No sir, I dont think she is.
Q What was her name when you married her? A Brewster.
Q How old is she? A I think she's about 45.
Q Were you ever married to her under Cherokee law? A Yes sir.

Q But you are not applying for her now? A We aint living together.
Q When did you marry her? A About ten years ago under Cherokee law.
Q When did you marry her under United States law? A About 25 years ago.
Q Have you a certificate or license proving your marriage to that woman? A Yes sir.
Q Was Annie Brewster your wife and the mother of these children for whom you are applying for enrollment? A Yes sir.
Q And you say you married her under United States law some 25 years ago? A Yes sir.

Com'r. A Marriage in '92 won't cover a marriage 25 years ago.

Q Have you any proof that you were married to Annie Brewster twenty five years ago. A Not in this country, I dont' think.
Q You and Annie Brewster were living together as husband and wife long before 1892 were you? A Yes sir.
Q Have you some one here that you can prove that by? A I reckon not.
Q Have you neighbors here that knew you were living together as husband and wife? A I reckon not; were married back in the old country.
Q You claim to have come here in '89, you were living with her as her husband then were you not? A Yes sir.
Q And she came here with you? A Yes sir.
Q Well haven't you got some neighbors here who know that? A Yes there are people here who know it; I don't know whether there is anyone on the ground or not.

Witness, Norman S. Drake, being sworn and examined by Com'r. Breckinridge, testifies as follows:

Q What is your age? A 55.
Q Your post-office? A McKee, I.T.
Q How long have you lived in this section of the country? A 20 years.
Q Do you know the applicant here, Adam Brackett? A Yes sir.
Q Do you know Annie Brewster that was, who is, or has been his wife? A I know the woman who he lived with as his wife, but I don't know her name as Annie Brewster. She came here with him as his wife from Georgia. When I first knew them they were here as man and wife living together, about 12 years ago.
Q How long did they continue living as husband and wife? A Until about Strip Payment.
Q About '94? A About '93 or '94, along about that time.
Q Do you know whether she's considered to be the mother of his two children, Lizzie Hayes and Annie? A No sir. She's the mother of a young girl, a young woman now; I don't know.
Q Do you know anything about two children, one about 10 and one about 5? A No sir, I don't know them.
Q Did I understand you to say you knew them to be living as husband and wife something like 12 years ago? A That's when I begun to know them, and occasionally met them until Strip Payment time.
Q Did they always appear down to along about the time of the Strip Payment as husband and wife before the community and did the people hold them out as such? A I think so.
Q They were looked upon as husband and wife by the people? A I think so; I looked upon them as such and I guess the community did.

re-direct.

Q Did you draw money for your child Annie? A No sir.
Q Not for Annie but for Lizzie? A Yes sir.
Q Annie wasn't born at that time? A No I don't believe she was.

1884 roll; page 604, 701, Adam Brackett, Sequoyah Dist.

1894 roll; page 934, #65, Benjamin Brackot, Sequoyah Dist.
1894 roll; page 934, #66, Lizzie M. Brackett, " "
1896 roll; page 1051, #60, Adam Brackett, " "
1896 roll; page 1051; #73, Benjamen Brackett, " "
1896 roll; page 1051, #74, Lizzie May Brackett, " "
1896 roll; page 1051, #75, Annie Brackett, " "

Q Mr. Brackett, are these three children living at this time?
A Yes sir.
Q And are they living with you? A No, two little ones living with their mother.
Q But all alive at this time? A Yes sir.
Q Are you doing anything towards their support? A No sir; well I am buying them clothes.

Mr. Hutchings, representative of the Cherokee Nation:

Q Mr. Brackett, what is the date of the birth of that last child, Annie? A I can't tell you the day nor the month.
Q Hadn't you and she separated for good about the time that child was born or before? A No the child was done born. It was three or four weeks old when she left me.
Q Did she get a divorce from you? A No sir.
Q How did she marry Everett? A She aint married.
Q She's living with Everett? A She's living at his house.
Q There aint no other man living with her but Everett? A No sir.
Q Are you certain that you are the father of that last child, Annie?
A Yes sir.
Q It was born when you were living together as man and wife? A Yes sir.

~~Mr. Hastings, representative of the Cherokee Nation:~~

Q You brough this woman with you from Georgia? A Yes sir.
Q Were you living with her when all these children were born? A Yes sir.

Mr. Hutchings, representative of the Cherokee Nation:

Q What was the longest time you and your wife were ever separated from one another by virtue of family quarrels, etc.? A She was gone once two months and a half I believe it was.
Q What county in Georgia did you come from to this country? A From Murray County.
Q What was your post-office? A Spring Place.
Q How long had you lived in that County previous to you coming to this Country? A About as well as I can recollect about 3 or 4 years.
Q From what county did you go to that County? A I went from Fannin County, Ga.
Q What was your post-office in that county? A Morgantown.
Q How long had you lived in Fannin County? A Two years I believe.
Q From what County did you go to Fannin County? A From Tennessee.
Q You mean the state of Tennessee? A Yes sir.
Q Give your county and post-office in Tennessee? A Severe County.
Q What was your post-office? A Severeville.
Q Where were you born? A In Tennessee.
Q What County? A Hamilton County.
Q What Cherokee family do you possess to be a descendant from ? A From the Wilkinson; mother's side; father was a white man.

Com'r. Breckinridge:

Mr. Brackett, the representative of the Cherokee Nation enters a protest against your enrollment in order that certain inquiries may be instituted in regard to your admission to citizenship by the Cherokee authorities in 1888, as I understand it.

You are duly identified on the roll of 1894, also on the roll of 1896. You present here an incomplete certificate of citizenship

of your admission to citizenship by the Cherokee authorities in 1888, your son, Adair Benjamin, for whom you make application, appears upon the same Intermarriage certificate of admission as evidence of admission. He is also identified on the roll of 1896 and 1896. Your two young children, Lizzie Mary and Jessie, born since you were said to have been admitted to citizenship, are identified on the roll of 1896, and the former, Lizzie Mayes, is identified on the roll of 1896. Your marriage to your wife is established in a satisfactory manner so far as the rights of these children are concerned, but the rights of all of you that is, you and your children depended, for you make no application for your wife, from your purported admission to citizenship by the Cherokee authorities in 1888. Now, you are desired to get a duly certified copy of the judgment of the Cherokee Court or Commission by which you were admitted to citizenship in 1888, and by which as you claim your son Benjamin was also admitted in 1888, and you are desired to furnish this Commission with that duly certified copy. For the present the application for yourself and your children will be placed upon a doubtful card. If any allegations are brought forward in regard to your admission that seem to require attention on your part, you will be notified in order that you may take such steps as you think proper to protect your rights in the case, and the final decision of this Commission will be communicated to you at your post-office address.

Edward G. Rothenberger, being sworn and examined by Commissioner Kennedy as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, Adam Knockatie, and that the foregoing is a full, true and correct transcript of his notes.

Edward G. Rothenberger

Sworn to and subscribed before me this 8th day of August, 1908.

Commissioner.

D93

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 7 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date. August 7 1900.

55 Name Adam Brackett, Delaware D.P.

District SEQUOYAH. Year, 1896 Page, 35 No. 09

Citizen by blood Admitted 1889 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Benjamin Brackett	Dist.	Year 1896	Page 36	No. 73	Age 14
*Liggie M.	Dist. "	Year "	Page 35	No. 74	Age 10
Annie "	Dist. "	Year "	Page 35	No. 75	Age 6
	Dist.	Year	Page	No	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

*In 1896 Roll as Liggie May Brackett.
Protest by Cherokee representatives
Copy of judgment of admission to citizenship required

N43

Office Commissioner ...

Dora Prescott

Chickahoma Nat...

Benj. Prescott

Citizenship

Citizenship in the Cherokee Nation on Cherokee roll as one also

Cherokee Commissioner (Applicant) age 18, Mary age 20 yrs born

MAR 8 1901
FILED
CLERK OF THE DISTRICT COURT
EASTERN DISTRICT OF THE INDIAN TERRITORY

Office Commission on Citizenship,

Tahlequah, C.N. Oct 4th 1887.

Number	No	Name	Age	Sex	Post Office	Attorney.
	1	John Brackett	45	male	Vinita I.T.	
	2	Amaliza Brackett	12	Female	Applicant for	
	3	Mary Brackett	10	"	Cherokee Citizenship	
	4	Dora Brackett	8	"	Census Rolls 1896	
	5	Ethel Brackett	6	"	Ancestor Benj. Brackett	
	6	Benj. Brackett	4	Male		

Cherokee Nation

Office Commission on Citizenship

Cherokee Nation Ind.Ter

Tahlequah Aug. 16th 1889

[illegible] J. Brackett and Susan Brackett

[illegible] grandson [illegible] Wilkerson from

[illegible] appears in

the [illegible] made in the year 1852

[illegible] examination

[illegible] as Cherokee [illegible] are also

[illegible] aged 12, Mary aged 10 yrs Dora

[illegible] and son Benjamin Brackett Jr. age 4 yrs. See

[illegible] Benj. Brackett Market 216 Book 3 page [illegible] Nat. Killsew I.T.

Will P. Ross Chairman

Attest.

E.A. Williams

Asst. Clerk Commission

John E. Hunter,

I E.W. Alberty Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record [illegible] of the records of the Cherokee Citizenship Commission [illegible] Nation that a [illegible] have been placed in [illegible]

E.W. Alberty

Assistant Executive Secy

Cherokee Nation

Phoenix Printing Co., Muskogee, Ind. Ter.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY, } ss
Fort Judicial Division

I, WILLIAM NELSON, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 18th day of June, A. D. 1892, at 8" o'clock A. M., and duly recorded in Book "B" Marriage Records, Page 4 etc.

Witness my hand and seal of said Court at Muscogee in said Territory this 18" day of June A. D. 1892

William Nelson Clerk.

By Deputy.

1993

No. 893

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
First *Judicial Division.*

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are Hereby Commanded *to solemnize the Rite and publish the Banns of Matrimony between Mr.* Adam Brackett *of* Nowheeg *in the* Cherokee Nation *aged* 45 *years, and* Miss Annie Scraper *of* Nowheeg *in the* Cherokee Nation *aged* 23 *years according to law, and do you officially sign and return this License to the parties therein named.*

Witness *my hand and Official Seal, this* 9th *day of* April *A. D. 189*2

[illegible]
Clerk of the U. S. Court.

By W. O. Young, *Deputy.*

Certificate of Marriage.

United States of America,
INDIAN TERRITORY,
First *Judicial Division,*
ss.

I, Jas. [illegible]
a [illegible] Gospel

Do Hereby Certify, *that on the* 9th *day of* May *A. D. 189*2
I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness *my hand this* 9th *day of* May *A. D. 189*2
My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book [illegible] *Page* [illegible]

Jas. [illegible]
[illegible] Gospel

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within ninety days from the date thereof, or the party by whom the License was issued will be liable to the penalties of the Revised Statutes of the United States.

Q You never heard of it? A No sir.
Q You never heard of her having any children when she took up with him? A No sir.
Q About how long since they married in this country? A About ten or twelve years ago, it was since I come here at least.
Q They married since 1890? A Yes sir.
Q They married since you came to that country? A Yes sir. They married twice I think.

BY MR. HUCKLEBERRY:

Q Mr. Brackett, do you know of your own knowledge whether he was married to the first woman or not? A No sir, I never saw them married.
Q They lived together? A Yes sir, they was all just a little distance from me; 40 or 50 miles.

MR. HUCKLEBERRY: I want to call attention to what this gentleman says, that he appears on the roll of '51 or '2, known as the "Silar" roll. I don't know whether you have that or not.

BY COMMISSION: No, sir.

BY MR. HUCKLEBERRY: He also appears on the blood roll. We then close this case.

BY MR. HASTINGS: Cherokee Nation submits it.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

FILED
MAR 20 1906
U.S. INDIAN INSPECTOR
IN THE INDIAN TERRITORY

Cherokee D 98.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 22,1906.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of Adam Brackett for enrollment as a Cherokee citizen.

Appearances:
James H. Muskiberry, Sr., Sallisaw, I. T., attorney for the applicant;
Daniel Brackett, relative of applicant;
W.W.Hastings, attorney for the Cherokee Nation.

DANIEL BRACKETT, being duly sworn and examined on behalf of the Cherokee Nation, testified as follows:
BY MR. HASTINGS:
Q What is your name? A Daniel Brackett.
Q Whatis your age? A I don't know, I declare I don't know, about 50, 52, or somewhere along there.
Q Do you know this Adam Brackett, the applicant? A Yes sir.
Q How long have you known him? A I have knowed him for years.
Q Well since you were a boy? A Yes sir.
Q Grew up together? A Yes sir.
Q You have known him ever since? A Yes sir, we have been together biggest part of the time.
Q You knew him in Alabama? A No sir, I lived in Georgia.
Q How far did you live from him there? A About 50 or 60 miles.
Q Did you know him when you lived in that country? A Yes, I saw him passing backwards and forwards.
Q I thought you said you knew him ever since you were a boy?
A I knew Adam, I say, he was passing back and forwards in the country where I lived.
Q Who he married out there? A Not that I know of.
Q Did you ever hear of him living with a woman and leaving her?
A There that was in Georgia, yes sir.
Q He did live with a woman and leave her in there? A Yes sir.
Q Who did he come to this country with? A Why he came with Ann-I forget her name now, he married her since he came out here.
Q Married her after he came here didn't he? A Ann Brewster; yes sir
Q He never married her out there? A Not that I know of.
Q That is your family information aint it? A Yes sir.
Q He had been married out there in Georgia or Alabama before?
A In Georgia, yes sir.
Q Did he leave her out there? A Yes sir.
Q And married this woman? A Yes sir, the same he has got here, I don't think he married her out there; I think he just came off with her; I am called on for evidence and I will state the truth if I can.
Q You never heardof his being divorced from his first woman?
A No sir.
Q You know in fact that he wasn't? A I don't suppose he was, not, to tell you the truth.
Q How long has he been in this country? A Oh he has been here, he was here before I came, I don't know how many years he has been here, Mr. Hastings; he has been here 18 or 20 years; he was here when I first came to the country.
Q You know Adam has got a young son named Ben and a girl named Linnie and one named Annie; they are children of this last woman, Ann? A Yes, I don't know much about them.
Q Do you know whether this Ann had any children when he took up with her or not? A I don't think she did.
Q You don't think she did? A No sir.
Q Do you know it? A No, I don't know it positive, I don't believe she did though.
Q [illegible] with anybody else out there on Indian soil only?
A [illegible]

Q You never heard of it? A No sir.
Q You never heard of her having any children when she took up with him? A No sir.
Q About how long since they married in this country? A About ten or twelve years ago, it was since I came here at least.
Q They married since 1890? A Yes sir.
Q They married since you came to that country? A Yes sir. They married twice I think.

BY MR. HUCKLEBERRY:

Q Mr. Brackett, do you know of your own knowledge whether he was married to the first woman or not? A No sir, I never saw them married.
Q They lived together? A Yes sir, they was all just a little distance from me; 40 or 50 miles.

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BY COMMISSIONER: No, sir.

BY MR. HUCKLEBERRY: He also appears on the blood roll. We then close this case.

BY MR. HASTINGS: Cherokee Nation submits it.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this February 19, 1908.

Commissioner.

CR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of ADAM Brackett ET AL. for enrollment as Cherokee citizens, consolidating the applications of-

- - - - - - - -

Adam Brackett et al. . . Cherokee D 93

Ann Brackett . . . . . " D 1465

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D E C I S I O N.

The record herein shows that on August 7, 1900, Adam Brackett appeared before the Commission at Sallisaw, Indian Territory, and made application for the enrollment of himself and his three children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 17, 1902. On June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Ann Brackett, the wife of said Adam Brackett as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 16, and July 21, 1902.

An examination of the records of the Cherokee nation, in the possession of this Commission, show that Adam Brackett and his oldest son, Benjamin Brackett, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 16, 1889. Lizzie M. and Annie Brackett have been born since the date of their father's admission to citizenship.

The evidence shows that Ann Brackett, the mother of the above named children, lived with the said Adam Brackett as his wife from 1875 up to 1892, and that they were formally married on May 26, 1892. Adam Brackett testifies that he was previously married and that he separated from his former wife, without a divorce, about 1875.

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding, provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proved to be his, shall thereby be legitimate."

All of the applicants herein are identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Ann Brackett lived with her said husband about four years following their marriage, and that she then left him and has not been living with him since that time.

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this nation."

The evidence further shows that Adam Brackett has resided in the Cherokee nation since 1888. The eldest child, Benjamin, is living with his father and the two younger children are living with their mother, who has resided in the Cherokee Nation since the date of her said marriage. The residence of said children has been continuous in the Cherokee Nation from birth up to and including the date of this application.

It is, therefore, the opinion of this Commission that Adam Brackett, Benjamin Brackett, Lizzie M. Brackett and Annie Brackett should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Ann Brackett, as a citizen by intermarriage of the Cherokee nation, should be denied under the provisions of the law above quoted, and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) TAMS BIXBY
Acting Chairman.

(signed) T. B. [illegible]
Commissioner.

(signed) C. R. [illegible]
Commissioner.

Muskogee, Indian Territory,

this Jan 15 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31 1902

Mr. Adam Brackett,

Salliaw, Indian Territory.

Sir:

You are hereby notified that the application of myself, and your ten three minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 19th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee 2-68
Register.

Acting Chairman.

Muskogee, Indian Territory, March 20, 1902.

Mr. Adam Brackett,

Sallisaw, Indian Territory.

Sir:

Upon an examination had in the matter of the application of yourself and children for enrollment as citizens of the Cherokee Nation, it is found that you have failed to supply the Commission with proof of your marriage to your wife Annie Brackett, nee Brewster.

You are requested to furnish the Commission with the original marriage license and certificate, or certified copies thereof.

You are reminded that this proof is extremely important in the disposition of the case of your children, and your immediate attention to it is requested and urged.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D 96
Registrar.

In reply refer to

[illegible]

Muskogee, I. T., June 30, [illegible]

Mr. Adam Brunett,

Gaillard, Indian Territory.

Sir:

Upon March 28, 1906, there was addressed to you a communication in which you were requested to supply the Commission with proof of your marriage to your wife Annie Brunett, nee Brunter. To compliance to that request you have remained silent. You are now informed that the Commission desires you to appear before them at their office in Muskogee, Indian Territory, on the [illegible] day of June, 1906, and give such proof as will be deemed necessary to establish your marriage to your said wife.

Upon your failure to appear on the date hereinbefore named the Commission will consider that you desire the case submitted upon the record as it now stands.

Yours truly,

Registar

Commissioner in Charge.

COPY.

Chrokee
I-68 & I-1468

Muskogee, Indian Territory, January 22, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1908, granting the application of Adam Brackett for the enrollment of himself and his three minor children, Benjamin, Lizzie E. and Annie Brackett, as citizens by blood, and rejecting his application for the enrollment of his wife, Ann Brackett, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days, from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant.

If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. I-1468.

COPY.

[illegible]
[illegible] & [illegible]

Washington, Indian Territory, February 14, [illegible]

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ann Brackett et al., as citizens by blood, and for the enrollment of Ann Brackett as a citizen by intermarriage, of the Cherokee Nation, including the Commission's decision, dated January 15, 1906, granting said applications as to Ann, Benjamin, Lizzie B. and Annie Brackett, and rejecting said application as to Ann Brackett.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. [illegible]

Through the

Commissioner of Indian Affairs.

COPY

Cherokee
D-1469 & D-93

Muskogee, Indian Territory, February 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of Adam Brackett et al., as citizens by blood, and for the enrollment of Ann Brackett as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, dated January 15, 1903, granting said application as to Adam, Benjamin, Lizzie M. and Annie Brackett, and rejecting said application as to Ann Brackett.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Acting Chairman.

COPY.

Cherokee
D-1428 & D-98

Muskogee, Indian Territory, February 12, 1908.

J. H. Huckleberry,

Attorney for Adam Brackett et al.,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Adam Brackett et al., as citizens by blood, and for the enrollment of Ann Brackett as a citizen by intermarriage, of the Cherokee Nation, together with a copy of the Commission's decision, dated January 18, 1908, granting said application as to Adam, Benjamin, Lizzie M. and Annie Brackett, and rejecting said application as to Ann Brackett.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-64

Registered.

COPY.

Cherokee
D-1446 & D-93

Muskogee, Indian Territory, February 12, 1908.

Adam Brackett,

Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1908, granting your application for the enrollment of yourself and your three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood, and rejecting the application for the enrollment of your wife, Ann Brackett, as a citizen by intermarriage, of the Cherokee Nation.

There has this day been forwarded your attorney, J. E. Huckleberry Sr., Sallisaw, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. D-93
Enclosure.

Refer in reply to the following:
Land:11790-1903.

Copy.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, October 30,1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated February 13,1903, transmitting the record relative to the application of Adam Brackett, et al., for enrollment as citizens of the Cherokee Nation. Adam Brackett applies for the enrollment of himself and his three minor children, Benjamin, Lizzie M., and Annie Brackett, as citizens by blood. Emmett Starr appeared before the Commission and applied for the enrollment of Ann Brackett, wife of Adam Brackett, as an intermarried citizen of the Cherokee Nation.

January 15,1903, the Commission held that Adam, Benjamin, Lizzie M. and Annie Brackett were entitled to enrollment as citizens by blood, and that Ann Brackett was not entitled to enrollment as a citizen by intermarriage.

The record in the case shows that Adam Brackett and Benjamin Brackett were admitted to citizenship by the tribal authorities, August 16,1889. Lizzie M. and Annie Brackett were admitted subsequent to the date of their father's admission. Adam Brackett and Ann Brackett, it appears, lived together as husband and wife from 1875 to May 26, 1892, when they were married. The records show that Adam Brackett had at this time a wife living from whom he was not divorced. He separated from his first wife during the

year 1875. Ann Brackett lived with her husband until 1896, when she left him. Adam Brackett has resided in the Cherokee Nation since 1889.

In view of the record the office is of the opinion that the decision of the Commission holding that Adam, Benjamin, Lizzie M. and Annie Brackett are entitled to enrollment is correct, and its approval is recommended.

Under Section 692 of the Cherokee Laws Ann Brackett, it is not believed will be entitled to enrollment, even if the Court of Claims should hold that intermarried citizens have the right to participate in the distribution of the Cherokee estate for the reason that Adam Brackett had living at the time he married Ann Brackett a former wife from whom he had not been divorced. It is therefore recommended that the approval of the Commission's decision rejecting the application for the enrollment of Ann Brackett as a citizen by intermarriage be approved.

Very respectfully,

W.A.Jones,

Commissioner.

GAW-CGC

DC-51715-1903. J .P.

DEPARTMENT OF THE INTERIOR.

ITD 7764-1903. Washington, November 2 ,1903.

L.R.S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 30,1903, the Commissioner of Indian Affairs submitted the case involving the applications for enrollment of Adam Brackett and his three minor children, Benjamin, Lizzie M., and Annie Brackett, as citizens by blood of the Cherokee Nation, and for the enrollment of Annie Brackett, wife of Adam Brackett, as a citizen by intermarriage of said Nation, and recommended that your decision in favor of Adam Brackett and said minor children, and adverse to Annie Brackett, be concurred in. The papers in the case were received with your letter of February 13, 1903.

The Nation makes no objection to your decision and the Department finding no reason to disturb the same so far as Adam Brackett and said children are concerned, it is hereby affirmed to that extent.

The rights of Annie Brackett will not be passed upon at this time in view of the submission to the Court of Claims on February 24,1903, of the question involving the right of persons intermarried in the Cherokee Nation.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee D. 93.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Adam Brackett and his three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee D-93 .

Muskogee, Indian Territory, November 19, 1903.

J. H. Huckleberry, Sr.,
Attorney for Adam Brackett et al.,
Sallisaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Adam Brackett and his three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee D-93.

Muskogee, Indian Territory, November 19, 1903.

Adam Brackett,

Sallisaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of yourself and your three minor children, Benjamin, Lizzie M. and Annie Brackett, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Did Annie Brackett
from whom he
was separated the
other, after he had
other had was
she his only wife
in Ga. or did
he have another
also. Was he
divorced from #1
did he marry
Annie in Ga also
under Ga law

Cher 10353

Clementine W. Shutt

Trans. from D294

Cher 10353

SEP 17 1900

[illegible] I [illegible]

[illegible] I [illegible] I [illegible] I [illegible],

[illegible] 11, 1900.

[illegible] matter of [illegible] of [illegible] for [illegible] [illegible] said [illegible] being [illegible] [illegible], testified as follows:

[illegible] t.

[illegible] Creek.

[illegible] Coweseoowee.

[illegible] citizen [illegible] Yes, sir.

[illegible] claim? A One-eighth.

[illegible] lived [illegible] Cherokee [illegible]? A We came back [illegible] lived i[illegible] Missouri.

[illegible] certificate of [illegible]? A Not any more than this [illegible] Yes, sir, I [illegible] live [illegible] [illegible] [illegible]

COMMISSION ON THE LIVE STOCK
INDUSTRY

Enrollment of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 14 1900

Date P.C. J.J. 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Clementine N. Shutt

District COOWEESCOOWEE Year 1896 Page 261 No. 64

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Born 1896 roll as Clemmingtine Shutt

Erased

Cherokee D-294.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Clementine W. Shutt for enrollment as a Cherokee citizen.

Additional testimony on behalf of applicant.

Appearances;
Applicant present in person;
Cherokee Representative present.

Commissioner Breckinridge: In Cherokee Doubtful case D-294, entitled Clementine W. Shutt, it is found that proof is lacking of her readmission to citizenship. Upon referring to the case of her son, John W. Shutt et al., Cherokee Doubtful case D-299, there is a duly authenticated extract, supplied by the Executive Secretary of the Cherokee Nation and under the seal of the Nation, from the official records of the Cherokee Nation, showing that by Act of Council approved November 30, 1878, Mrs. Clementine W. Shutt was readmitted to all the rights and privileges of Cherokee citizenship, and also the children of said Clementine Shutt and her husband are admitted to the rights and privileges of Cherokee citizenship. This is considered authentic information of the facts stated.

CLEMENTINE W. SHUTT, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Clementine W. Shutt.
Q You are the Mrs. Shutt who applied for enrollment in September of last year? A Yes, sir.
Q Are you the mother of John W. Shutt? A Yes, sir.
Q Are you the mother also of Bessie Shutt? A Yes, sir.

Commissioner: It is ordered that a copy of this statement be filed in the case of Mrs. Clementine W. Shutt, Cherokee D-294, and of Bessie Shutt, Cherokee D-295.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 5th of November, 1901.

Commissioner.

C D 294

COPY.

An Act For The Benefit Of Miss Sue Ware And Mrs. Clementine Shutt.

Be It Enacted By The National Council:

That Miss Sue Ware and Mrs. Clementine Shutt, be, and they are hereby re-admitted to all the rights and privileges of Cherokee citizenship; And the children of the said Clementine Shutt and her husband are also admitted to the rights and privileges of Cherokee citizenship.

Nov. 27th, 1872,

APPROVED: 30th, Nov. 1872.

James Vann,
A. A. A. Principal Chief.

Executive Department,
Cherokee Nation,
December, 3rd, 1900.

I, A. B. Cunningham Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy, as taken from the records of laws for 1872 to 1874, of an Act of the National Council, entitled "An Act for the benefit of Miss Sue Ware and Mrs, Clementine Shutt" Approved by James Vann assistant and acting Principal Chief, Nov. 30th, 1872.

S E A L

IN testimony Whereof, I, Hereunto set my hand and affix the seal of the Cherokee Nation the year and date above written.

(signed) A. B. Cunningham.
Assistant Executive Secretary.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the copy on file in this office.

Ella Wickers

Supl.-C.D.#294.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CLEMENTINE SHUTT as a citizen of the Cherokee Nation:

Appearances:
J. S. Davenport, Vinita, I. T., Attorney for applicant
W. W. Hastings, Cherokee representative.

Commission of Mr. Davenport: Is there any statement you desire to make relative to this case?

Mr. Davenport: Yes, sir; I want to call the attention of the Commission to the testimony on file which shows that the applicant, Clementine Shutt, was regularly admitted by an Act of the Cherokee Council or Commission, I am not positive which, and that the other applicants, her son John Shutt, and her daughter Bessie, were minors at the time, and the proof shows they all removed to the Cherokee Nation and took up their residence prior to the passage of the Act of the National Council of December 4, 1894.

Mr. Hastings: The records in this case show that these parties were admitted in 1870, and subsequent to that time they lived in the State of Missouri until about the year 1891, something like 20 or 21 years before they removed to and permanently located in the Cherokee Nation.

Commission of Mr. Davenport: Do you submit this case to the Commission for final consideration? A Yes, sir.

Commission: The attorney for the applicant and the attorney for the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now on file.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings had in this case on the above date, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 27, 1902.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clementine W. Scott, et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Clementine W. Scott, Cherokee D 294
Jessie Scott, nee Moore, et al., " D 295

D E C I S I O N.

The record in these cases shows that on September 14, 1900, Clementine W. Scott appeared before the Commission at Pryor Creek, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that Jessie Scott appeared before the Commission at the same place and on the same date, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of her said application at Fort Gibson, Indian Territory, on November 8, 1901, and thereafter at Muskogee, Indian Territory, on October 31, 1901.

The evidence shows that Clementine W. Scott was legally readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on December 10, 1879, her daughter, Jessie Scott, being at that time a minor.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1880 authenticated roll, and their descendants born since the date of said roll,

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . ."

The evidence further shows that Jessie Scott was married on December 19, 1900, to one A. J. Moore; she will therefore be listed for enrollment under that name. It is further shown that both the applicants herein are identified on the Cherokee census roll of 1896.

The evidence further shows that a child, Bennie F. Moore, was born on October 17, 1901, to Jessie Moore and her husband, A. J. Moore, and is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Clementine W. Scott and Jessie Moore, formerly Scott, have lived in the Cherokee Nation continuously since 1871.

POOR ORIGINAL -
BEST AVAILABLE

It is, therefore, the opinion of this Commission that Clementine W. Smith, Bessie Moore, formerly Smith, and Howard W. Moore should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Tahlequah I. T. July 22nd 1903.

In the matter of the application for the enrollment of Clementine W. Shutt et al as citizens by blood of the Cherokee nation, consolidating the applications of:

Clementine W. Shutt--- Cherokee D 294.

Bessie Shutt, now Moore, et al Cherokee D 295.

Protest of the Cherokee nation.

Comes now the Cherokee nation and protests against the decision of the Commission in the above cases and prays an appeal to the Honorable Secretary of the Interior.

The evidence shows that Clementine W. Shutt was readmitted to citizenship in the Cherokee nation November 30th 1872, and continued to reside in Springfield Missouri until 1891 when they removed to the Cherokee nation. There is some testimony tending to show that they came here in 1880 and remained a short time and returned to missouri.

That they returned again in 1891 and have resided in the Cherokee Nation continuously since that time and the Cherokee nation contends that by reason of their continuous residence in the state of Missouri they have forfeited their right to be enrolled as citizens of the Cherokee Nation.

Respectfully,

W W Hastings

Attorney for the Cherokee nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th, 1902

Mrs. Clementine W. Shutt,

Pryor Creek, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-894

Register.

Acting Chairman.

INDE

[illegible]

Cherokee Land Office,
Vinita, I. T.,
Feb. 21, 1903.

The allotment records in case of [illegible]
Chute, [illegible]. Report on [illegible].

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-294.
Cherokee D-295.

Vinita, Indian Territory, February 21st, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted the records in the matter of the applications for the enrollment of Clementine W. Shutt, Cherokee D-294, and Bessie Shutt, et al, Cherokee D-295.

It appears from the record that Clementine W. Shutt was admitted to citizenship in 1870, removed to the Cherokee Nation in 1891 and was enrolled, with her daughter Bessie Shutt, by the tribal authorities in 1896.

The Cherokee Nation seems to make some protest against the enrollment of these applicants because they did not remove to the Cherokee Nation until about twenty-one years after the admission of Clementine W. Shutt.

In connection with these and similar cases, the attention of the Commission is respectfully called to the Department's letter of January 24th, 1903, in the case of Prusa L. Rowland, et al, Cherokee D-1353, in which that portion of the Curtis Act which reads, "And all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation," is construed as intended

to embrace one distinct class of persons entitled to enrollment. The evidence shows that the applicants belong to that class.

Respectfully,

Clerk in Charge.

Enc. C-28.
C-29.
JOC.

COPY

Cherokee D-294,
& D-295.

Muskogee, Indian Territory, July 9, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1906, granting the application of Clementine W. Shutt for the enrollment of herself, and of Bessie Moore, formerly Shutt, for the enrollment of herself and her minor child, Howard W. Moore, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. E-2.

Cherokee D 294

Muskogee, Indian Territory, August 11, 1903.

Clementine W. Shutt,

Pryor Creek, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, James S. Davenport, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. P. [illegible]

Commissioner in Charge.

Enclosure # 10
Register

Cherokee D 294

COPY.

Muskogee, Indian Territory, August 11, 1903.

James S. Davenport,

Attorney for Clementine W. Shutt,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting, among others, the application of Clementine W. Shutt for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enclosure C 11
Register

Cherokee D 294-296

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Clementine W. Shutt et al., including the Commission's decision dated June 1, 1903, granting the application for the enrollment of Clementine W. Shutt and Bessie and Howard W. Moore, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C 14

COPY

Refer [illegible] to the following:
Land [illegible]-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record relative to the consolidated case of Clementine W. Shutt et al., for enrollment as citizens of the Cherokee Nation.

Clementine W. Shutt applies for the enrollment of herself as a citizen by blood. Bessie Shutt, now Moore, applies for enrollment as a citizen by blood. Bessie Shutt was married on December 12, 1900, to A. J. Moore. October 17, 1903, a child Howard W. Moore, was born to her. She also makes application for this minor child who is properly identified by a birth affidavit. June 1, 1903, the commission held that all of the applicants were entitled to enrollment.

The record shows that Clementine W. Shutt was readmitted to citizenship in the Cherokee Nation by the national authorities on November 30, 1872, and that Bessie Shutt, her daughter, was a minor at the time she was admitted.

The Cherokee Nation protests against the Commission's decision.

[illegible] the record it does not appear that Clementine W. [illegible] moved to and permanently settled in the Cherokee Nation until 1891, although there is some testimony to show that she was in the Cherokee Nation during the year 1890, remained a short time, and returned to Springfield, Missouri. At any rate, she settled in the Cherokee Nation in 1891, which was prior to the Cherokee act of December 4, 1894, and it appears to the office that these applicants are entitled to enrollment.

The approval of the Commissioner's decision favorable to the [illegible] is recommended.

Very respectfully,

(signed) W. A. Jones.

Commissioner.

(G.A.W.) P.

T.C.31017-1903. 37277. JP [illegible] ITD. 7552-1903.

INDIAN TERRITORY.

TAHLEQUAH.

November 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 21, 1903, the Commissioner of Indian Affairs transmitted the case involving the application of Clementine W. Shutt, Bessie Moore, formerly Shutt, and Howard W. Moore, for enrollment as citizens by blood of the Cherokee Nation, received with your letter of August 11, 1903.

It is shown by the evidence that Clementine W. Shutt was lawfully admitted to citizenship in the Cherokee Nation on November 30, 1872, her daughter, said Bessie Shutt, being at that time a minor. Howard W. Moore was born October 17, 1901, to Bessie Moore and her husband, A. [illegible] Moore, and is identified by a birth affidavit. Clementine W. Shutt and Bessie Moore have lived in the Cherokee Nation continuously since 1891. Previous to 1891 they had lived in Missouri. The names of Clementine W. Shutt and Bessie Shutt appear upon the Cherokee census roll of 1896, but neither name appears upon the 1880 roll.

Referring to that portion of section 21 of the act of June 28, 1898 (30 Stat., 495) which provides:

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted,"

on June 1, 1903, you rendered your decision, holding that the parties were entitled to enrollment.

The Commissioner states that the settlement of Clementine W. Shutt and Bessie Shutt in the Cherokee Nation was made prior to the Cherokee act of December 4, 1894, and it would appear that all the applicants are entitled to enrollment, and he recommends that your decision be concurred in.

The Nation protests against your decision, contending that by reason of the continuous residence in the state of Missouri, Clementine W. Shutt and Bessie Shutt forfeited their right to enrollment as citizens of the Cherokee Nation.

Referring to the decision of the Department of June 10, 1 1903, in the Cherokee enrollment case of Martha Hill, et al., your decision is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-294.

Muskogee, Indian Territory, November 19, 1903.

Clementine W. Shutt,

Pryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated June 1, 1903, granting, among others, the application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1903.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee D-294.

Muskogee, Indian Territory, November 19, 1903.

James S. Davenport,

Attorney for Clementine W. Shutt,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application for the enrollment of Clementine W. Shutt as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1903.

Respectfully,

Tam[illegible]

Chairman.

COPY

Cherokee D-294
D-296.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, in the consolidated case of Clementine W. Shutt et al., granting the applications for the enrollment of Clementine W. Shutt and Bessie and Howard W. Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1903.

Respectfully,

Chairman.

Cher 10354

Bessie Shutt

Trans. from D295

Cher 10354

[illegible]

[illegible] I. T., [illegible] 14, 1900.

In the matter of the application of Jessie Scott for enrollment as a citizen of the Cherokee Nation, said [illegible] being sworn by Commissioner [illegible] Needles, testified as follows:

What is your name? Jessie Scott.
Q What is your age? 22.
Q What is your post office address? Apple Creek.
Q Where do you reside? Apple Creek.
Q Are you a Cherokee citizen by blood? Yes, sir.
Q What degree of blood? One-sixteenth.
Q Does your name appear upon the authenticated roll of [illegible]? No, sir.
Q Where were you born? In Springfield, Missouri.
Q Is your father a white man? [illegible], sir.
Q Do you always lived in Springfield, Missouri until a few years ago? No, I came [illegible] and went back and [illegible] in 1891.
Q Are you living here and [illegible], sir.

[illegible] enrollment, [illegible] Cherokee [illegible].

Contr Needles:

The name of [illegible] upon the census roll of 1896. Her name does not appear upon the authenticated roll of 1880, neither does that of her father and [illegible] upon said roll. The application of said Jessie Scott will be suspended and [illegible] for further hearing.

I, stenographer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day of September, 1900.

[illegible]

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date P. C. SEP 14 1908 1908.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

Licensed Certificate

Wife's Name Bessie Shutt

District COOWEESCOOWEE, Year 1896 Page 211 No. 4612

Citizen by blood Full 1/16 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 1901

Certificate of record

CERTIFICATE OF RECORD.

~~United States of America,~~
INDIAN TERRITORY,
Northern District

I, CHARLES A. DAVIDSON, Clerk of the United States Court and ex-officio Recorder in and for the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 1 day of January, 1901, at ——— M., and duly recorded in Book L, page 124

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 6 day of Sept. A. D. 1901

Chas. A. Davidson
Clerk and Ex Officio Recorder

By

Deputy

Marriage License

United States of America }
Indian Territory } ss
Northern District }

To any Person Authorized By Law to Solemnize Marriage:—

You are hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between ~~James~~ C. A. L. Moore of Eufaula, I. T. aged 36 years, and Bessie Smith of Tryor Creek, I. T. aged 22 years, according to law, and do you officially sign and return this License to the parties therein Named.

Witness my hand and official seal at Wagoner I. T. this 12 day of Dec. 1900.

Chas. C. Davidson, Clerk.
By J. C. Hunter D. C.

Certificate of Marriage

United States of America,
Indian Territory }
Northern District } ss.

I, A. L. Hughes a Minister of the Gospel, do hereby certify that on the 12 day of Dec A.D. 1900, I did duly and according to law as commanded in the forgoing License, Solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 12 day of Dec A.D. 1900

My Credentials are recorded Book 8 page 256 U. S. Clerks office, Northern District Indian Territory.

A. L. Hughes
Minister of the Gospel.

K 295

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
SEP 7 1901

ACTING CHAIRMAN

_R_ SUPPLEMENTAL TESTIMONY.

Cher. D.#295.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 6th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of BESSIE SHUTT, D.#295, as a citizen of the Cherokee Nation by blood.

APPEARANCES:
Eck E. Brock, Attorney for applicant;
W. W. Hastings, for Cherokee Nation.

ANDREW J. MOORE, being duly sworn and examined, testified as follows: By the Commission:

Q What is your name? A Andrew J. Moore.
Q How old are you, Mr. Moore? A I was 27 years old last March, the 12th.
Q What is your post office address? A Now, at present?
Q Yes. A Pryor Creek.
Q Are you the husband of Bessie Shutt, who was enrolled at Pryor Creek last September? A Yes, sir.
Q When were you married to her? A December 12th, 1900.
Q Have you any evidence of your marriage? A Yes, sir. (Hands paper to Commission.)

Commission: There is offered a marriage license issued by Charles A. Davidson, Clerk of the United States Court, Northern District Indian Territory, showing that he issued a marriage license to A. J. Moore to marry Miss Bessie Shutt, on the 12th day of December, 1900; and certificate showing that said marriage was consummated by ~~Rev. Hughes, a Min-~~ ~~ister of the Gospel.~~ ~~The same in effect~~ on the 12th day of December, 1900, by A. S. Hughes, a Minister of the Gospel. The same is filed herewith.

---oooOOOooo ---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this September 6th, 1901.

C. R. Breckinridge.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 28, 1902.

In the matter of the application of Clementine W. Shutt for enrollment as a Cherokee citizen.

Additional testimony on behalf of applicant.

Appearances:
Applicant present in person.
Cherokee Representative present.

Commissioner Breckinridge: In Cherokee Doubtful case D-294, entitled Clementine W. Shutt, it is found that proof is lacking of her readmission to citizenship. Upon referring to the case of her son, John W. Shutt et al., Cherokee Doubtful case D-299, there is a duly authenticated extract, supplied by the Executive Secretary of the Cherokee Nation and under the seal of the Nation, from the official records of the Cherokee Nation, showing that by Act of Council approved November 30, 1872, Mrs. Clementine W. Shutt was readmitted to all the rights and privileges of Cherokee citizenship, and also the children of said Clementine Shutt and her husband are admitted to the rights and privileges of Cherokee citizenship. This is considered authentic information of the facts stated.

CLEMENTINE W. SHUTT, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Clementine W. Shutt.
Q You are the Mrs. Shutt who applied for enrollment in September of last year? A Yes, sir.
Q Are you the mother of John W. Shutt? A Yes, sir.
Q Are you the mother also of Bessie Shutt? A Yes, sir.

Commissioner: It is ordered that a copy of this statement be filed in the case of Mrs. Clementine W. Shutt, Cherokee D-294, and of Bessie Shutt, Cherokee D-295.

4

Copy

File with Cherokee D-294.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 8, 1902.

In the matter of the application of Clementine W. Smott for enrollment as a Cherokee citizen.

Additional testimony on behalf of applicant.

Appearances:
Applicant present in person.
Cherokee Representative present.

Commissioner Breckinridge: In Cherokee Roll of Citizens case D-294, entitled Clementine W. Smott, it is found that proof is lacking of her readmission to citizenship. Upon referring to the case of her son, John F. Smott et al., Cherokee Roll of Citizens case D-295, there is a duly authenticated extract, supplied by the Executive Secretary of the Cherokee Nation and under the seal of the Nation, from the official records of the Cherokee Nation, showing that by Act of Council approved November 30, 1872, Mrs. Clementine W. Smott was readmitted to all the rights and privileges of Cherokee citizenship, and also the children of said Clementine Smott and her husband are admitted to the rights and privileges of Cherokee citizenship. This is considered authentic information of the facts stated.

CLEMENTINE W. SMOTT, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q. Give me your name? A. Clementine W. Smott.
Q. You are the Mrs. Smott who applied for enrollment in testimony of last year? A. Yes, sir.
Q. Are you the mother of John F. Smott? A. Yes, sir.
Q. Are you the mother also of Bennie Smott? A. Yes, sir.

Commissioner: It is ordered that a copy of this statement be filed in the case of Mrs. Clementine W. Smott, Cherokee D-294, and of Bennie Smott, Cherokee D-295.

Witness:

Bruce G. Jones, being duly sworn, says that he stenographer to the commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 8th day of October, 1902.

D. R. Kennedy

Commissioner.

File with C.D.# 295

Supl.-C.D.#.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CLEMENTINE SHUTT as a citizen of the Cherokee Nation:

Appearances:
J. S. Davenport, Vinita, I. T., Attorney for applicant
W. W. Hastings, Cherokee representative.

Commission of Mr. Davenport: Is there any statement you desire to make relative to this case?

Mr. Davenport: Yes, sir; I want to call the attention of the Commission to the testimony on file which shows that the applicant, Clementine Shutt, was regularly admitted by an Act of the Cherokee Council or Commission, I am not positive which, and that the other applicants, her son John Shutt, and her daughter Bessie, were minors at the time, and the proof shows they all removed to the Cherokee Nation and took up their residence prior to the passage of the Act of the National Council of December 4, 1894.

Mr. Hastings: The records in this case show that these parties were admitted in 1870, and subsequent to that time they lived in the State of Missouri until about the year 1891, something like 20 or 21 years before they removed to and permanently located in the Cherokee Nation.

Commission of Mr. Davenport: Do you submit this case to the Commission for final consideration? A. Yes, sir.

Commission: The attorney for the applicant and the attorney for the Cherokee Nation present submit this case to the Commission for final consideration, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now on file.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that he stenographer to the commission to the Five Civilized Tribes, he correctly recorded the proceedings had in this case on the above date, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 27, 1902.

Commissioner.

Supl.-C.D.#295.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of BESSIE MOORE, ET AL., as citizens of the Cherokee Nation:

Appearances:
Applicant present in person;
W. W. Hastings, Cherokee representative.

Commission of Applicant: Do you submit this case to the Commission for final consideration upon the statement made by the attorney filed in your mother's case, Clementine W. Shutt?
Applicant: Yes, sir.

Commission: It is directed that a copy of the statement made by the Attorney for Clementine W. Shutt, whose name appears on Card Number [illegible], be filed with and made a part of the record in this case.

Witness excused.

Commission: The applicant and the representative of the Cherokee Nation present submit this case to the Commission, and the same is closed and reported to the Commission for final decision based upon the testimony now on file.

Supl.-C.D.#296.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of BESSIE MOORE, ET AL., as citizens of the Cherokee Nation:

Appearances:
Applicant present in person;
W. W. Hastings, Cherokee representatives:

Commission of Applicant: Do you submit this case to the Commission for final consideration upon the statement made by the attorney filed in your mother's case, Clementine W. Shutt?
Applicant: Yes, sir.

Commission: It is directed that a copy of the statement made by the Attorney for Clementine W. Shutt, whose name appears on Card D.#294, be filed with and made a part of the record in this case.

Commission: The applicant and the representative of the Cherokee Nation present submit this case to the Commission, and the same is closed and reported to the Commission for final decision based upon the testimony now on file

---ooo000ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings had in this case on this day, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof:

J. O. Rossen

Subscribed and sworn to before me this February 27, 1902.

D. M. Tone

Commissioner.

WJS
CR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clementine W. Shutt, et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Clementine W. Shutt,	Cherokee D 294
Bessie Shutt, now Moore, et al.,	" D 295

D E C I S I O N .

The record in these cases shows that on September 14, 1900, Clementine W. Shutt appeared before the Commission at Pryor Creek, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that Bessie Shutt appeared before the Commission at the same place and on the same date, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of her said application at Fort Gibson, Indian Territory, on September 6, 1901, and thereafter at Vinita, Indian Territory, on October 31, 1901.

The evidence shows that Clementine W. Shutt was lawfully readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on November 30, 1872, her daughter, Bessie Shutt, being at that time a minor.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1880 authenticated roll, and their descendants born since the date of said roll,

> "and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted: . ."

The evidence further shows that Bessie Shutt was married on December 12, 1900, to one A. J. Moore; she will therefore be listed for enrollment under that name. It is further shown that both the applicants herein are identified on the Cherokee census roll of 1896.

The evidence further shows that a child, Howard W. Moore, was born on October 17, 1901, to Bessie Moore and her husband, A. J. Moore, and is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Clementine W. Shutt and Bessie Moore, formerly Shutt, have lived in the Cherokee Nation continuously since 1891.

It is, therefore, the opinion of this Commission that Clementine W. Shutt, Bessie Moore, formerly Shutt, and Howard W. Moore should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby.
Chairman.

(signed) T. B. Needles.
Commissioner.

(signed) C. R. Breckinridge.
Commissioner.

(signed) W. H. Stanley.
Commissioner.

Dated at Muskogee, I. T.,

this Jun 1 , 1903

D. 295

CONTROL

RIDER

FILED

FEB 6 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6th, 1902

Mrs. Bessie Moore,

Pryor Creek, Indian Territory,

Madam:-

You are hereby notified that the application of yourself and one minor child

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 24th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Copy to Rob E. Brock,
Muskogee, I.T.

Cherokee D-[illegible]

Registered.

Cherokee [illegible].

Vinita, Indian Territory, March 31, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in Commission's letter of March 27, I have the honor to transmit herewith the original affidavit as to the birth of Howard W. Moore, the same being on file with the application of Bessie Moore, formerly Bessie Hunt, for enrollment as a citizen of the Cherokee Nation.

Respectfully,

Clerk in Charge.

Enc. C-163.
300.

COPY

Muskogee D-294,
A D-298.

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 2, 1904, granting the application of Clementine V. Hunt for the enrollment of herself, and of Dessie Moore, formerly Hunt, for the enrollment of herself and her minor child, Howard W. Moore, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. Ed.

Cherokee D 298

COPY.

Muskogee, Indian Territory, August 11, 1903.

Bessie Moore,

Pryor Creek, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 2, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Howard W. Moore, as citizens by blood of the Cherokee Nation. There has heretofore been furnished your attorney, Rob H. Brook, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest had been furnished the principal applicant.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enclosure C 12
Decision

COPY.

Cherokee D 296

Muskogee, Indian Territory, August 11, 1903.

Rek E. Brook,

Attorney for Bessie Moore et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting, among others, the application of Bessie Moore for the enrollment of herself and her minor child, Howard W. Moore, as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enclosure C 13
Register

COPY.

Cherokee D 294-[illegible]

Muskogee, Indian Territory, August 12, 1[illegible].

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Clementine V. Hunt et al., including the Commission's decision dated June 1, 1909, granting the application for the enrollment of Clementine V. Hunt and Bessie and Howard W. Ware, as citizens by blood of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure S 16

COPY

Refer in reply to the following:
Land 52,366-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record relative to the consolidated case of Clementine W. Shutt et al., for enrollment as citizens of the Cherokee Nation.

Clementine W. Shutt applies for the enrollment of herself as a citizen by blood. Jessie Shutt, now Moore, applies for enrollment as a citizen by blood. Jessie Shutt was married on December 12, 1900, to A. J. Moore. October 17, 1903, a child Howard W. Moore, was born to her. She also makes application for this minor child who is properly identified by a birth affidavit. June 1, 1903, the commission held that all of the applicants were entitled to enrollment.

The record shows that Clementine W. Shutt was readmitted to citizenship in the Cherokee Nation by the national authorities on November 30, 1872, and that Jessie Shutt, her daughter, was a minor at the time she was admitted.

The Cherokee Nation protests against the Commission's decision.

From the record it does not appear that Clementine W. Shutt removed to and permanently settled in the Cherokee Nation until 1891, although there is some testimony to show that she was in the Cherokee Nation during the year 1889, remained a short time, and returned to Springfield, Missouri. At any rate, she settled in the Cherokee Nation in 1891, which was prior to the Cherokee act of December 4, 1894, and it appears to the office that these applicants are entitled to enrollment.

The approval of the Commission's decision favorable to them is recommended.

Very respectfully,

(signed) W. A. Jones.

Commissioner.

(G.A.W.) P.

D.C.31617-1903. 72772 JP LRS FHE ITD. 7552-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

November 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 21, 1903, the Commissioner of Indian Affairs transmitted the case involving the application of Clementine W. Shutt, Bessie Moore, formerly Shutt, and Howard W. Moore, for enrollment as citizens by blood of the Cherokee Nat ion, received with your letter of August 11, 1903.

It is shown by the evidence that Clementine W. Shutt was lawfully admitted to citizenship in the Cherokee Nation on November 20, 1872, her daughter, said Bessie Shutt, being at that time a minor. Howard W. Moore was born October 17, 1901, to Bessie Moore and her husband, A. J. Moore, and is identified by a birth affidavit. Clementine W. Shutt and Bessie Moore have lived in the Cherokee Nation continuously since 1891. Previous to 1891 they had lived in Missouri. The names of Clementine W. Shutt and Bessie Shutt appear upon the Cherokee census roll of 1896, but neither name appears upon the 1880 roll.

Referring to that portion of section 21 of the act of June 28, 1898 (30 Stat., 495) which provides:

"and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted,"

on June 1, 1908, you rendered your decision, holding that the parties were entitled to enrollment.

The Commissioner states that the settlement of Clementine W. Shutt and Bessie Shutt in the Cherokee Nation was made prior to the Cherokee act of December 4, 1894, and it would appear that all the applicants are entitled to enrollment, and he recommends that your decision be concurred in.

The Nation protests against your decision, contending that by reason of the continuous residence in the state of Missouri, Clementine W. Shutt and Bessie Shutt forfeited their right to enrollment as citizens of the Cherokee Nation.

Referring to the decision of the Department of June 10, 1905, in the Cherokee enrollment case of Martha Hill, et al., your decision is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-298.

Muskogee, Indian Territory, November 19, 1903.

Bessie Moore,

Pryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated June 1, 1903, granting, among others, the application for the enrollment of yourself and your minor child, Howard W. Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1903.

Respectfully,

Tams Bixby

Chairman.

COPY.

Cherokee [illegible]

Muskogee, Indian Territory, November 19, [illegible]

Rob E. Brock,

Attorney for Bessie Moore et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1905, granting the application for the enrollment of Bessie and Howard W. Moore as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1905.

Respectfully,

Tams Bixby,

Chairman.

COPY.

Cherokee Roll
D-[illegible]

Muskogee, Indian Territory, November 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, in the consolidated case of Clementine W. Shutt et al., granting the applications for the enrollment of Clementine W. Shutt and Bessie and Howard W. Moore, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 9, 1903.

Respectfully,

[illegible]

Chairman.

Cher 10355
Clark L. Collins
Trans. from D872

Cher 10355

CONFIDENTIAL

OFFICE OF THE COMMISSIONER OF PUBLIC HEALTH ENGINEERING

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 1, 1900.

In the matter of the application of Clark L. Collins for enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner S. P. Rennicken, testified as follows:

Q. Give us your full name. A. Clark L. Collins.
Q. How old are you? A. 14.
Q. What is your postoffice? A. Tahlequah.
Q. Do you live in Tahlequah district? A. Yes sir.
Q. What is it you want to have enrolled? A. Myself and my wife and one child.
Q. Do you apply for yourself as a Cherokee by blood? A. Yes sir.
Q. What is your wife, a Cherokee by blood or a white woman? A. White woman.
Q. How long have you lived in the Cherokee Nation? A. Been going '74 or '75 I believe.
Q. Are you on the roll of 1880? A. No sir.
Q. Why are you not on that roll? A. I don't know why. I was going to school here at the seminary; me and my father, sister. The census takers missed us. My father was dead and my mother married a white man, and they never went to their house at all. We were at school.
Q. Give us the name of your father. A. Tom J. Collins.
Q. He died before the roll of 1880 was made? A. Yes sir; he died before we ever got on any roll at all. He died [illegible] we came to this country.
Q. Where did he come from? A. From Georgia.
Q. Had he been admitted? A. No sir, he hadn't been here long. His brother was admitted.
Q. Your father a Cherokee or white man? A. He was a Cherokee.
Q. Give us your mother's name? A. Mary F. Walsh, in Vernon now.
Q. Is she a Cherokee or white woman? A. She's a Cherokee; she was admitted by the Dawes Commission.
Q. Weren't you admitted at the same time? A. I never talked; I was claiming blood from my father. I was always recognized.
Q. Did she apply to the Dawes Commission under the name of Walsh? A. Yes sir.
Q. She's alive now is she? A. Yes sir.
Q. She's not on the roll of 1880? A. No sir.
Q. What is the name of her present husband? A. Thomas J. Walsh.

The records of the Commission, Docket B, page 406, Commission No. 6311, show that on September 5th, 1896, application was made to the Commission for admission to citizenship rendered by Thomas J. Walsh and Mary F. Walsh, et al. Mary F. Walsh was admitted as an intermarried citizen. Thomas J. Walsh, her husband, and their children were denied. An [illegible] appeal was taken from this decision.

Q. Thomas J. Walsh is a white man, is he? A. Yes sir.
Q. How many children has your mother by her present marriage? A. Two.
Q. How old are they? A. About 18 and 19.
Q. What are their names? A. Josie and James Walsh; Josie is the oldest I think; Josie is a girl and James a boy.
Q. Was there a special act of the National Council of the Cherokee Nation passed with reference to you on December 18, 1897? A. Yes sir, we got one [illegible].
Q. What money? A. We got any land money.
Q. Have you a copy of that act? A. No sir, [illegible] never had a copy; I never had it after the day.
Q. Do you claim that that act also provided for your being put on the 1880 roll; do you claim that? A. Yes, we could to be there.
Q. Give us the name of your wife. A. Hannah Collins, your honor.
Wife.

2- S.E.G.

Q How old is your present wife? A 19 I believe.
Q She's a white woman you say? A Yes sir.
When did you marry her? A Three years ago in July.
Q What was her name when you married her? A Filmer.
Q Was she ever married except to you? A No sir.
Q You had been married once before you say? A Yes sir.
Q What was the name of your former wife? A Eliza Hughes.
Q Was she a white woman? A Yes sir.
Q When did you marry her? A About 18 years ago; about 1897 or 1898.
Q Is she dead? A No sir.
Q When did you and she separate? A In '98.
Q She was a white woman was she? A Yes sir.
Q Did you get a divorce from her? A No sir.
Q There was no divorce granted between you? A No sir. I was sent off to jail and she married while I was gone.
Q You never got any divorce from her? A No sir.
Q This child that you apply for is the child of the present marriage?
A Child of my first wife.
Q What is the name of the child? A Ira J. Collins.
Q How old is the child? A He's about 9 years old, soon will be 10.
Q He's living now is he? A Yes sir.
Q Is he living with you? A Yes sir.
Q When did you come back from prison? A I came back two years after I was sent away; in the fall of 1898 I came back.
Q Has this child been living with you ever since? A Yes sir living with me all the time.
Q How long were you in prison? A 22 months.
Q What were you sent to prison for? A Selling whiskey.
Q This wife, Eliza, was she ever married before she married you?
A No sir.
Q How old is she now? A She's about 28 or 29 I guess; I don't know exactly.
Q You married her 18 years ago? A About 18 years ago.
Q That would make her 11 years old when you married her? A The younger that that; she was about 18. She must be about 28 or 29 I guess.
Q Have you any certificate of your marriage to her? A No sir.
Q What is her present name? A Eliza Wofford.
Q Where is she living? A She lives on Spring Creek, about 20 miles from here.
Q What is the name of her husband? A Nathaniel Wofford; they call him Than.
Q Is real name is Nathaniel? A Yes sir.
1900 roll; page 11B, 266, Ira J. Collins, Tahlequah district.
Q You say your wife Eliza was a Cherokee? A No sir, she's a white woman.
1900 roll; page 11B, 266, Ira J. Collins, Tahlequah.
Q You have no certificate of your marriage to your wife, Eliza?
A No sir.
Q This man Wofford who married, is he a white man? A No sir, he's a Cherokee.
Q Was she married to him in 1900? A No sir, before that.

Examiner Brockenridge.

The applicant applies for the enrollment of himself, his wife, and one child. He states that he has lived in the Cherokee Nation since 1874 or '75. He is not identified on the roll of 1880, but states that he was the subject of a special act of the Cherokee Council approved Dec. 15, 1881, recognizing him as constructive from his right as a Cherokee by blood. The records of the Dawes Commission do not show in the testimony, and a look at his nothing about his present home, was admitted to Cherokee citizenship as an intermarried citizen in 1883, but represented husband and their children were omitted. It is my opinion of this time how this woman can be correct. He wants us to go to be a white woman and her year

[illegible] husband is said to be a white man. For the further consideration of all the features in evidence, this application will not be placed upon a doubtful card, the applicant being listed as a Cherokee by blood and the final decision of the Department will be made known to him. He is advised to furnish the Commission with an official copy of the act of the Supreme Court of the Nation [illegible] to. His present wife, Rosanna Collins, is said to be [illegible] woman, and the applicant states that he and she were married [illegible] years ago. This is too late under the Cherokee law of [illegible] 1896, to entitle her to enrollment at this time. It [illegible] that the applicant never secured a legal divorce from [illegible] wife, and consequently, according to his own [illegible], he was in polygamy, even had he married at an earlier period, [illegible] his present wife with the right to enrollment. The child [illegible] application is made, Ina J. Collins, is said to be the applicant's child by his first wife. He is not able to present a certificate of marriage to his first wife, who he states was never previously married. They separated in 1892. She is not identified on the roll of 1896. The child, however, is identified with his father on the roll of 1896, and he will be listed as a Cherokee by blood upon a doubtful card for further consideration.

E. G. Rothenberger, being duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 3rd day of December 1906.

[illegible]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 1 1900

ACTING CHAIRMAN

TAHLEQUAH.
Enrollment of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 1 1900 1900.

3 Name Clark L. Collins

District TAHLEQUAH.

Tahlequah I.T.

Year 1896 Page 1155 No. 685

Citizen by blood Yes

Mother's citizenship Ira J. Collins c d

Intermarried citizen No

Mary P. Mitch - c - d

Married under what law

Date of marriage

License

Certificate

4 Wife's name ~~Florentine Collins~~

District

Year 1896 Page No.

Citizen by blood No

Mother's citizenship Cherokee

Intermarried citizen Yes

Married under what law

Date of marriage July 1897

License

Certificate

Names of Children:

3 Ira J. Collins Dist. TAHLEQUAH. Year 1896 Page 1155 No. 686 Age 9

4 mother Eliza Wofford

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 On 1896 roll as Clark Collins

2 " " " Ira J. "

Copy of cert. of admission to be supplied.

Proof of marriage to be supplied

[illegible]

[illegible]

+ + + +

SUPPLEMENTAL B 572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd, 1900.

There now appears CLARK L. COLLINS, and supplements his testimony in his application B. 572, and he calls attention to the law passed at the extra session of the Cherokee Council in 1894, approved December 15th of the same year, as indicated by a printed copy filed herewith, stating the Supplemental Roll providing that $33.10, the same being the per capita for the year 1894, to be paid to the persons therein named, and among them appears the name of Clarke Collins, which the applicant claims to be his name and intended for him. In the same connection appears the name of Susie Collins who he states was his sister.

Q Is your sister Susie living? A. No sir.
Q When did she die? A. About three years ago.

This law does not appear in the last edition of the laws of the Cherokee Nation accessible at this time to the Commission. The printed copy quoted from is filed herewith and in connection with this testimony will be filed with applicants case B. 572.

* * * * * * * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings and the same is a full, true and correct transcript of his stenographic notes of said proceedings.

Chas. von Weise

Subscribed and sworn to before me this the 3rd of December, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 3 1900
ACTING CHAIRMAN

Laws Cherokee Nation.

(Extra Session, 1884.)

Laws Cherokee Nation.

(Extra Session, 1884.)

Be it enacted by the National Council, That those persons whose names appear on the following supplemental roll be paid their per capita out of any monies that may be in the hands of the Treasurer for said purpose.

Be it further enacted, That the sum of thirty-three dollars and ten cents ($33.10) be and the same is hereby appropriated out of any monies so set apart that may be in the hands of the Treasurer of this Nation to pay the per capita for the year 1880 of Mrs. Neppie Glenn, formerly McFarlin, and her daughter.

Be it further enacted, That the sum of thirty-three dollars and ten cents ($33.10) be and the same is hereby set apart as above to pay the per capita for the year 1880 of Susie and Clarkie Collins.

Teannee Dick, Goingsnake.

Luanee Dick, Goingsnake.

William Melton; reported by W. C. Rogers.

Barshaby Roberson, Canadian.

John B. Roberson, Canadian.

David Fields, Saline.

James Taylor, Tahlequah.

Ophilea Hilderbrand, Canadian.

Flea Corn Tassell, Delaware.

Henry Crittenden, Illinois.

John Beamer, Delaware.

~~Alice Beamer, Delaware.~~

Nelly Spears, Cooweescoowee; C. V. B.

Rosa Spears, Cooweescoowee; C. V. B.

George Campbell, Cooweescoowee; C. V. B.

Minnie Campbell, Cooweescoowee; C. V. B.

Brice Hilderbrand, Canadian.

George W. Horn, Canadian; reported by John Sevier.

John Vann, Cooweescoowee.

Sarah Vann, Cooweescoowee.

George Vann, Cooweescoowee.

Reid Vann, Cooweescoowee.

Joseph Vann, Cooweescoowee.

Guess Jennie, Delaware.

Emma Donelly, Coo.; Labra E. Meeks; reported by Marma Daniel, who states that he knows them; entitled to per capita under the law.

Anna Cornsilk, Nancy Gritts; reported by Spade and Wolf Coon.

Choowee, Nancy Chuwee; reported by Senator Robbins.

Jeff McCoy, Illinois; handed in by C. O. Frye.

Charles Dick, Goingsnake.

John Stover (Cherokee), G. S.; reported by Mary Stover, her son.

Frances Honey, Goingsnake.

Mary W. Honey, Goingsnake.

McDowell Joe, Delawere.

Lafayette Duncan, Delaware.

George Hammer, Cooweescoowee.

Rachel Hammer, Cooweescoowee.

Isaac Hammer, Cooweescoowee.

~~Lye Hammer, Cooweescoowee.~~

Mary Hammer, Cooweescoowee.

Annie Hammer, Cooweescoowee.

Riley Hammer, Cooweescoowee.

Arthur Hammer, Cooweescoowee.

Fred Hammer, Cooweescoowee.

Eliza Hammer, Cooweescoowee.

Tahlequah, Dec. 11, 1884.

S. H. Benge, Pres't Senate.

E. C. Boudinot, Jr., Clerk Senate.

Concurred in by Council with the following amendment: Strike out the names of Charles Dick, Tianee and Susan (Dick). Dec. 12, 1884.

Bud Jones, Speaker Council.

W. S. Coodkay, Clerk Council.

Amendment concurred in.

S. H. Benge, Pres't Senate.

E. C. Boudinot, Clerk Senate.

Approved Dec. 12, 1884.

D. W. Bushyhead, Principal Chief.

ROBERT B. ROSS [illegible] Mt. Ross [illegible]

—[illegible]

"[illegible] Hoe [illegible]

[illegible] 1880 [illegible]

[illegible] Ross [illegible]

[illegible] I [illegible] [illegible]

[illegible] I [illegible]

[illegible] I [illegible]

[illegible] I

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 8th 1900.

Supplemental testimony in the case of Clark Collins, D. 272.
Clark Collins being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Clark Collins.
Q You applied for enrollment at this place on December, 1st 1900? A. Yes sir.
Q You filed the other day a printed copy of the Cherokee law passed in Extra Session in the year 1884, and since then you have handed in an official written copy ~~[illegible]~~ certificate, have you? A. Yes sir.

A duly certified written copy of the law is recognized as being on file in his case, confirming the evidence quoted previously from the printed law.

Q There was another point that you were to establish and that was your marriage to your former wife, the mother of that child. A. I cannot do that.
Q Cant establish it by personal proof either? A. No sir.
Q Have you a copy of the decree of divorce from that wife? A. I cannot supply that.
Q You want to file now the certificate of Robert Ross that you went to school at the Male Seminary in the year 1884 while he was Supt. of the same? A. Yes sir.
Q We would rather have Mr. Ross testify in person. A. He is here.

ROBERT B. ROSS called and sworn as a witness, testified as follows-

Q What is your name? A. Robert B. Ross.
Q How old are you? A. 55.
Q What is your post office? A. Parkhill.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know Clark L. Collins? A. Yes sir.
Q You were formerly Superintendent of the Male Seminary of the Cherokee Nation were you not? A. Yes sir I was in 1879 and 1880.
Q Did Mr. Collins attend that Seminary then? A. Yes sir, he was a Primary Scholar.
Q Isn't that a class of scholars that the Nation defrays all, ~~[illegible]~~ and to which class only persons who are recognized as Cherokees by blood are admitted for? A. Yes sir.
Q Did he have a sister named Annie? A. Yes sir.
Q Is she living? A. No sir.
Q Has Mr. Collins always continued to live in the Cherokee Nation since attending the Seminary? A. I have never heard of him living elsewhere.

THIS WILL BE FILED IN THE CASE OF CLARK L. COLLINS D-272.

State of Texas being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 15th day of December, 1900.

Commissioner.

Miss Warford—

Q You lived [illegible]

Q Did you hold [illegible] year [illegible]

A Yes, sir.

Q [illegible]

[illegible]

Q You said [illegible] Just [illegible]

Q [illegible] sir.

[illegible] 18[illegible]

Q [illegible]

A Clark [illegible]

Q He is living now? A Yes, sir.

[illegible] of herself [illegible] children: [illegible] Warford, is a child of [illegible] Warford, [illegible] married June 1, 1884. The other child, Ira Jackson Collins, is her child by Clark L. Collins, with whom she lived a number of years ago. She is a white woman. Her present husband, Thad Warford, is incompetent on the rolls of land and [illegible] a native Cherokee. No application is made for him as he is said to express a [illegible] ness to apply. He is identified on the roll of [illegible] with a wife, Rose, who is not known to be dead at this time. The applicant has professed a lack of knowledge as to whether her husband was previously married. Reference to page [illegible] in the case of Clark L. Collins, shows a strong presumption of a common law marriage in the Cherokee Nation between the applicant and the man with whom she has lived. No divorce was ever obtained between the applicant and that man with whom she first lived, and therefore it is extremely doubtful whether her present marriage confers upon her any right of

Four copies with D 872.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

In the matter of the application of Eliza Wofford for the enrollment of herself and children as citizens of the Cherokee Nation; said Wofford being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Eliza Wofford.
Q How old are you? A 28 years old.
Q What is your post office? A Tahlequah.
Q Do you live in Tahlequah district? A No, sir, Saline District.
Q Who is it you want to have enrolled? A My little boy here and myself; two children.
Q Yourself and two children? A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q When were you married? A I have got the papers here.
Com'r:--The applicant presents a license issued by the Clerk of the United States Court, First Judicial District, Indian Territory, May 24, 1894, authorizing marriage between Eliza Hughes and Than Wofford. The certificate shows that they were married on the 1st of June of the same year, by the Rev. William D. Thompson. These documents are filed herewith.
Q Were you ever married before you maried this husband? A No, sir.
Q Was he a Cherokee by blood? A Yes, sir.
Q Is he alive or dead? A He is alive.
Q Are you not living with him at this time? A Yes, sir, we are living together.
Q Why don't you apply for his enrollment? A He says he is not going to enroll himself.
Q Have you lived with him ever since you and he were married? A Yes, sir.
Q Was he ever married before he married you? A I do not know whether he was ot not.
Q Where is your husband? A He is sick.
Q Sick at home? A He is up in Town.
Q You do not know whether he was ever married before or not? A No, sir.
Q How old is your husband? A I do not know how old he is.
Q About how old is he? A I guess he is about 46.
Q Give me the name of his father? A Aleck I believe.
Q Is he dead? A Yes, sir.
Q Give me the name of his mother? A I do not know her name.
Q Is she dead? A Yes, sir, both of them.
Q Give me the names of his children? A Samuel.
Q How old is that child? A He is five years old.
Q The next one? A That is all I have got.
Q You said two children? A Yes, sir.
Q Where is the other child? A I never was married lawfully but once; I have got two children.
Q You have one child of this marriage? A Yes, sir.
Q Why, what is the name of that other child you were applying for? A Ira Jackson Collins.
Q Is this child, Ira Jackson Collins, a child of yours? A Yes, sir.
Q You say you were never lawfully married to the father of this child? A No, sir.
Q How old is this child? A It is ten years old, soon will be.
Q You and he lived together about six years? A Yes, sir.
Q Did you ever live with any man before that? A No, sir.
Q Did he ever lived with any other woman before that? A No, sir.

Eliza Wofford--2.

Q You lived in the same house? A Yes, sir, kept house.
Q Did you hold each other out to the world as husband and wife?
A Yes, sir.
Q You never got a divorce from that man Collins? A We was not lawfully married.
Q You do not think you were? A No, sir.
Q You held each other out as husband and wife? A Yes, sir, we just lived together as husband and wife.
Q You were known as his wife and went by his name? A Yes, sir.
1880 Roll; page 825, #2693, Than Wofford, Tahlequah.
1896 Roll; page 127[illegible], #3768, Nathaniel Wofford, Tahlequah.
Q Who do you say is the father of this child, Ira Jackson Collins?
A Clark L. Collins.
Q He is living now? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and two children: One of the children, Samuel Wofford, is a child of Than Wofford, to whom she is shown to have been married June 1, 1894. The other child, Ira Jackson Collins, is her child by Clark L? Collins, with whom she lived a number of years ago. She is a white woman. Her present husband, Than Wofford, is identified on the rolls of 1880 and 1896 as a native Cherokee. No application is made for him as he is said to express an unwillingness to apply. He is identified on the roll of 1880 with a wife, Rose, who is not known to be dead at this time. The applicant has professed a lack of knowledge as to whether her husband was previously married. Reference to case D 872 in the case of Clark L. Collins, shows a strong presumption of a common law marriage in the Cherokee Nation between the applicant and the man with whom she has lived. No divorce was ever obtained between the applicant and that man with whom she first lived, and therefore it is extremely doubtful whether her present marriage confers upon her any right of citizenship, and if not right is conferred upon her, no right is conferred upon the child of hers, Samuel. The applicant herself is not identified on the roll of 1896, nor is the child, Samuel, though it is old enough to be upon that roll, and her marriage occurred six years ago. Giging her the benefit of whatever exist in the case, she will now be listed for enrollment upon a doubtful card, she being classed as a Cherokee by adoption. And when a certificate of the birgh of the child, Samuel, who as stated is not identified on the roll of 1896 is supplied to the Commission, this child, Samuel, will be listed as a Cherokee by blood, upon a doubtful card to await the determination of the status of his mother and a copy of this testimony will be filed with case D. 872, the same being the case of Clark L. Collens et al., said Collins being, according to the testimony, the man with whom this woman lived as his wife for a number of years prior to her marriage to Wofford, and as she states, the first man with whom she ever lived in the professed relation of a wife.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 17th day of December, 1902.

Commissioner.

Supl.-C.D.5072.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of CLARK L. COLLINS, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of commission's letter, and the applicant this day appears in person and by his Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

J.G.R.

Commissioner.

AAD

CR

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clark L. Collins for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage of the Cherokee Nation, consolidating the applications of:

Clark L. Collins et al., Cherokee D872
Kansada Collins, " R437

D E C I S I O N

The record in these cases shows that on December 1, 1900, Clark L. Collins appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 3 and December 8, 1900, and a copy of the testimony taken at Tahlequah, Indian Territory, on December 13, 1900, in the matter of the application of Eliza Wofford has been filed herewith and made a part of this record.

The evidence shows that Clark L. Collins is the son of one Ira J. Collins, deceased, by his wife, Mary P. Collins, now Mary P. Welch. Clark L. Collins is not identified on the Cherokee authenticated roll of 1880, but on examination of the Cherokee tribal rolls in possession of this Commission, his name is found on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896, and, from an examination of the proceedings of the Cherokee National Council at an extra session held in 1884, it appears that the sum of $33.10 was set apart to pay the per capita for the year 1880 of certain persons, among whose names appears that of Clark Collins, who is identified as the principal applicant herein. The evidence further shows that Mary P. Welch, the mother of Clark L. Collins, filed her original petition for herself, among others, with the Commission to the Five Civilized Tribes, for admission as a citizen of the Cherokee Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and that said Mary P. Welch was admitted as an intermarried Cherokee citizen by virtue of intermarriage with her former husband, Ira J. Collins, the father of said Clark L. Collins.

Kansada Collins, a white woman, was married to the said Clark L. Collins in 1897. Section twenty-six of the Act of Congress approved July 1, 1902 (Public-No.241), and duly ratified as provided in section twenty-five thereof, provides:

".....no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

The evidence further shows that Ira J. Collins, the minor applicant herein, is the son of Eliza Hughes, nee Eliza Wofford, a white woman, and the said Clark L. Collins. It appears that Clark L. Collins and Eliza Hughes lived together, and held themselves out as husband and wife for about six years, and were so recognized, that Ira J. Collins is the result of, and was born during that cohabitation, and is, therefore, the descendant of said Clark L. Collins. Upon an examination of the Cherokee tribal rolls in the possession of this Commission, it is found that the said Ira J. Collins is identified on the strip payment roll of 1894 and the Cherokee census roll of 1896.

The evidence further shows that the said Clark L. Collins has resided in the Cherokee Nation since about 1874 or 1876 and the residence of his child, the said Ira J. Collins, is considered to be that of his father, with whom he is living.

It is, therefore, the opinion of this Commission that Clark L. Collins, and Ira J. Collins, should be enrolled as citizens by blood of the Cherokee Nation and that the application for the enrollment of Kansada Collins as a citizen by intermarriage of the Cherokee nation should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby
Acting Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Jan 18 1903

H

D 872

19/11

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 23 1902

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BOOCHINEIDER.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

Mr. Clark L. Collins,

Tahlequah, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and one minor child

for enrollment as citizen s of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee 3-978
Register.

Yours truly,

[illegible]

Commissioner in Charge.

COPY

Cherokee
D-972 & D-[illegible]

Muskogee, Indian Territory, February 14, 1906.

Clark L. Collins,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1906, granting your application for the enrollment of yourself and your minor child, Ira J. Collins, as citizens by blood, and rejecting your application for the enrollment of your wife, Kennada Collins, as a citizen by intermarriage of the Cherokee Nation.

There has this day been forwarded your agent, J. B. Sequichie, Chelsea, Indian Territory, a copy of the record or proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,
Acting Chairman.

Enc. D-972
Registered.

COPY.

Cherokee
R-672 & R437

Muskogee, Indian Territory, February 14, 1903.

J. R. Sequichie,

Agent for Clark L. Collins et al.,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated January 15, 1903, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kansada Collins.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. R-672
Register.

COPY.

Cherokee
D-678 & D-437

Muskogee, Indian Territory, February 14, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et al., as citizens of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kamanda Collins.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Acting Chairman.

Refer in reply
to the following:
Land:
11790-1903.

Copy.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes transmitting the record relative to the application of Clark L. Collins, et al, for enrollment as citizens of the Cherokee Nation. Clark L. Collins applies for enrollment of himself and his minor child, Ira J. Collins, as citizens by blood, and for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage.

January 15, 1903, the Commission held that Clark L. and Ira J. Collins were entitled to enrollment as citizens by blood of the Cherokee Nation, and that Kansada Collins was not entitled to enrollment as an intermarried citizen.

The record in this case shows that the principal applicant, Clark L. Collins, is the son of Ira J. Collins, deceased, by his first wife, Mary P. Collins, now Mary P. Welch. The principal applicant is not identified by the Cherokee roll of 1880. His name appears on the 1894 strip payment roll and the 1896 Census roll. The proceedings of the Cherokee Council at an extra session in 1894, a copy of which is made a part of the record, shows that $33.10 was set apart to pay the per capita payment of certain persons for the year 1888, and that the name "Clarkes Collins" appears among the list. The Commission states in its decision that its records show that Mary P. Welch, mother of Clark L. Collins

applied to the Commission in 1896 for enrollment as an intermarried citizen, and that she was admitted as an intermarried citizen by reason of her intermarriage with Ira J. Collins, father of Clark L. Collins. Kansada Collins, a white woman, was married to Clark L. Collins in 1897. Under the provisions of Section 26 of the Cherokee Agreement, no white person who married a Cherokee citizen subsequent to December 16, 1895, is entitled to enrollment. Ira J. Collins, the minor applicant herein, is the son of Eliza Hughes, now Eliza Wofford, a white woman, and Clark L. Collins, the principal applicant.

From the record it appears that the principal applicant and Eliza Hughes lived together for about six years, held themselves out to the community in which they lived as husband and wife, were so recognized, and that Ira J. Collins was born while they lived together, and that he is a descendant of Clark L. Collins. His name appears on the 1894 strip payment roll and on the 1896 Census roll.

Clark L. Collins testified that he was married to Eliza Hughes and that while he was in prison she married her present husband, Nathaniel Wofford, a Cherokee. The record is not plain as to this marriage, but Clark L. Collins admits that he is the father of Ira J. Collins.

In view of the record the approval of the Commission's decision declaring that Clark L. Collins and Ira J. Collins are entitled to enrollment as citizens by blood of the Cherokee Nation is recommended. It is also recommended that that part of the Commis-

sion's decision declaring that Kamsada Collins is not entitled to enrollment as an intermarried citizen by approved.

very respectfully,

W.A.Jones,

Commissioner.

GAW-CGC

DC-31714-1903. J.P.

Department of the Interior,

ITD 7766-1903. Washington, November 12,1903. WHR

L.R.S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 30,1903, the Commissioner of Indian Affairs transmitted the papers in the Cherokee enrollment case of Clark L. Collins, Ira J. Collins and Kansada Collins, and recommended that your decision of January 15,1903, holding that Clark L. and Ira J. Collins are entitled to enrollment as citizens by blood of the Cherokee Nation, and that KansadaCollins is not entitled to enrollment as a citizen by intermarriage, be concurred in.

The Nation makes no objection to your decision and the Department finding no reason to disturb such decision it is hereby affirmed as to Clark L. and IraJ. Collins.

Action on the case so far as Kansada Collins is concerned will not be taken at this time in view of the submission to the Court of Claims on February 24,1903, of the question involving the right of intermarried persons in the Cherokee Nation.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee D-873.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Clark L. Collins and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 18, 1903.

Respectfully,

Tams Bixby

Chairman.

COPY

Cherokee D-672.

Muskogee, Indian Territory, November 19, 1903.

J. R. Sequichie,
Agent for Clark L. Collins et al.,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Clark L. Collins and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby,

Chairman.

COPY.

Cherokee D-872.

Muskogee, Indian Territory, November 19, 1903.

Clark L. Collins,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of yourself and your minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby.

Chairman.

Cher 10356
Raymond S. Shelton
Trans. from R457

Cher 10356

child is requested.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this December 5, 1900.

(Signed) T. . Needles,

Commissioner.

FILED
NOV 18 1901
DEPARTMENT OF THE INTERIOR

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

ENTERED as to wife, Bradie, and child, Rayman S.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 5, 1900.

In the matter of the application of James A. Shelton for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A James A. Shelton.
Q How old are you? A 34.
Q In what district do you live? A Tahlequah.
Q What is your postoffice address? A Tahlequah.
Q Who is it you want to have enrolled, yourself and family?
A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One;
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a full Cherokee by blood? A No, sir.
Q She is a white woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Give me the name of your father? A Spencer Shelton.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Margaret Shelton.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Bradie.
Q How old is she? A 17.
Q When did you marry her? A 1900.
Q What time in 1900? Have you a certificate of marriage? A Yes. (Hands papers.)
Com'r: The applicant presents a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory authorizing his marriage to Miss Bradie Burch, under date of March 8, 1900; the certificate shows that they were married in accordance with said license on the day following, by the Rev. Nicholas Hitting.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Has she lived with you ever since you were married to her?
A Yes, sir.
Q Give me the name of your child? A Rayman S.
Q How old is that child? A Born 12th of October, 1898? A Yes, sir.
Q That child was born before your marriage? A Yes, sir.
Q That statement is correct is it, that the child was born on the 12th of October, 1898, some months prior to your marriage? A Yes, sir.
1880 roll page 388 #2088 James Shelton Tahlequah Dist, native Cherokee
1896 roll page 1848 #2087 James Shelton, Tahlequah Dist.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a full Cherokee by blood.

His wife is shown to have married him on March 8th, last, of the present year; neither he nor she was previously married; but the marriage is too late under the Cherokee law of December 16th, 1898, to entitle her to enrollment at this time, she being a white woman; therefore, the application for her enrollment is rejected; the child is shown by the testimony of the applicant to have been born in 1898, and under the decisions the child is not entitled to enrollment, therefore the application for the enrollment of the

child is rejected.

E.B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) E. B. Green.

Subscribed and sworn to before me this November 3, 1908.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 7th day of November, 1908.

Commissioner.

FILED
DEC 1900

Statement of Applicant Taking Oath.

TAHLEQUAH.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC. 5 1900, 1900.

Name TAHLEQUAH.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Viadie Fielden

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage March 10th 1900

License Issued DEC. 5 1900 Certificate Issued DEC. 5 1900

Names of Children:

Dayman S. Fielden Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Sig. Witness: [illegible]

R-427

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 30 1902

ACTING CHAIRMAN

MARRIAGE LICENSE.

United States of America
Indian Territory,
Northern District.

To any Person Authorized to Solemnize Marriage--Greeting:

YOU are hereby commanded to Solemnize the rite and publish the Banns of Matrimony between Mr. James A. Shelton of Tahlequah, in the Indian Territory, aged 24 years; and Miss Bradie Birch, of Tahlequah in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Tahlequah, Indian Territory, this the 9 day of March A. D. 1900.

(SEAL) (Signed) Charles A. Davidson,
Clerk.

By (Signed) T. W. Trapnell, Deputy.

CERTIFICATE OF MARRIAGE,
UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, Nicholas Bitting, a minister of the Gospel do hereby certify, That on the 9 day of March, A. D. 1900, I did duly and according to law solemnize in the foregoing License, solemnize the rite and publish the Banns of Matrimony between the parties named

E-427

MARRIAGE LICENSE.

United States of America
Indian Territory,
Northern District.

To any Person Authorized to Solemnize Marriage--Greeting:

YOU are hereby commanded to Solemnize the rite and publish the Banns of Matrimony between Mr. James A. Shelton of Tahlequah, in the Indian Territory, aged 24 years; and Miss Bredia Birch, of Tahlequah in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Tahlequah, Indian Territory, this the 9 day of Mch A. D. 1900.

(SEAL) (Signed) Charles A. Davidson,
Clerk.

By (Signed) T. W. Triplet, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, Nicholas Ketting, a minister of the Gospel do hereby certify, That on the 9 day of March, A. D. 1900, I did duly and according to law as commanded in the foregoing License, solemnize the rite and publish the Banns of Matrimony between the parties named therein.

Witness my hand this 9 day of March A. D. 1900.
My credentials are recorded in the office of the clerk of the United States Court for the Northern District of Indian Territory, at Muscogee, Book A, page 148.

(Signed) Nicholas Ketting.
A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 28, 1902.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment as a citizen of the Cherokee Nation of James A. Shelton.

James S. Cottell

Cherokee Nation,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bradie Shelton as a citizen by intermarriage, and for the enrollment of Raymon S. Shelton as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 5, 1906, James A. Shelton appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of their minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation. The application also included himself but as he is differently classified he is not embraced in this decision.

The evidence shows that Bradie Shelton, a white woman, was lawfully married on March 9, 1900, to James A. Shelton, a citizen by blood of the Cherokee Nation.

Section twenty-six of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, provides:

"No white person who has intermarried with a Cherokee citizen since the sixteenth day of December, 1893, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

The evidence further shows that the minor child, Raymon S. Shelton, was born on October 11, 1906, to James A. Shelton and his present wife, Bradie.

Section 668 of the Laws of the Cherokee Nation (1892), provides: "That when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

It is, therefore, the opinion of this Commission that Raymon S. Shelton should be enrolled as a citizen by blood of the Cherokee Nation; and it is further the opinion of this Commission that the application for the enrollment of Bradie Shelton as a citizen by inter-

POOR ORIGINAL
BEST AVAILABLE

marriage of the Cherokee Nation should be annulled, in accordance with the provisions of section twenty-six of the Act of Congress approved July 1, 1902 (Public No. 511), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB -2 1906

POOR ORIGINAL
BEST AVAILABLE COPY

DEPARTMENT
RECEIV
AUG 11 1922
ENCL. TO
4965

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON, D. C. August 5, 1922

I, E. B. Meritt, - Assistant Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are - true copies of the original as the same appears on file - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

Assistant Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application of [illegible] citizen of the Cherokee Nation.
of Raymon S. Shelton born on the 11th day of October, 1899
Name of Father James A. Shelton citizen of the Cherokee Nation.
Name of Mother Bradie D. Shelton citizen of the Cherokee Nation.
Postoffice, Tahlequah, I. T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District

I, Bradie D. Shelton being duly sworn, state that I am 17 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of James A. Shelton, who is a citizen, by blood, of the Cherokee Nation; that a male child was born to me on the 11th day of October, 1899; that said child has been named Raymon S. Shelton and is now living.

Bradie Shelton

WITNESSES TO MARK

[illegible]

4th December, 1900.

J. H. Vaughn

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA
INDIAN TERRITORY
Northern District

Aiatilda Josephson midwife [illegible] Bradie D. Shelton, James A. Shelton, 11th October 899 [illegible] male [illegible] born [illegible]

[illegible]

DEPARTMENT OF THE INTERIOR
CLERK TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1900

(COPY)

Cherokee R-457.

Muskogee, Indian Territory, July 31, 1902.

James A. Shelton,

Tahlequah, Indian Territory.

Dear Sir:

When you applied to this Commission for the enrollment of Bradie S. Shelton as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on March 9, 1900, to Miss Bradie Burch.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc 1. B-193.

(COPY)

Cherokee R-457

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James A. Shelton for the enrollment of his child, Raymon S. Shelton, as a citizen by blood, and rejecting his application for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-724

(COPY)

Cherokee R-457

Muskogee, Indian Territory, March 5, 1903.

James A. Shelton,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of your minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting your application for the enrollment of your child, and rejecting your application for the enrollment of your wife.

The decision, together with the record of proceedings had in this case, was this day been transmitted to the Secretary of the Interior for his review and decision.. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-184

Register

(COPY)

Cherokee R-457.

Muskogee, Indian Territory, March 5, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of his minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his application for the enrollment of his child, and rejecting his application for the enrollment of his wife.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Chairman.

(COPY)

Cherokee R-457.

Muskogee, Indian Territory, March 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James M. Shelton for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of his minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his application for the enrollment of his child, and rejecting his application for the enrollment of his wife.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-2184

Through the

Commissioner of Indian Affairs.

Copy.

Refer in reply to the following:

Land-15822,1905. Department of the Interior,

Office of Indian Affairs.

Washington, October 21,1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated March 5, 1905, from the Commission to the Five Civilized Tribes, transmitting the record relative to the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as an intermarried citizen, and for the enrollment of his minor child, Raymon S. Shelton as a citizen by blood of the Choctaw Nation. The Commission says that James A. Shelton was also an applicant for enrollment, but that as he is differently classed, he was not embraced in this decision. February 2,1905, the Commission held that Raymon S. Shelton, the minor child, was entitled to enrollment as a citizen by blood, and that Bradie Shelton was not entitled to enrollment as a citizen by intermarriage.

The evidence shows that Bradie Shelton, a white woman, was married to James A. Shelton, a citizen by blood of the Cherokee Nation, March 9,1900. Section 16 of the Cherokee Agreement provides that no white person intermarried with a Cherokee citizen after December 16,1898, shall be enrolled as a citizen of that nation. Raymon S. Shelton was born October 11,1899. He was therefore born prior to the marriage of his father and mother. Raymon S. Shelton claims, however, to be his father, and therefore one of the Choctaw

Law declares:

"That when a man living by a woman one or more children shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

In view of this provision of the Cherokee law it is believed that this minor applicant is entitled to enrollment, and the approval of the Commission's decision with reference to him is recommended.

Bradie Shelton was married to her husband after December 1895, and if not, under existing law, entitled to enrollment, even if the Court of Claims should find that white persons who intermarry prior to that date are entitled to enrollment.

The approval of the Commission's decision with reference to Bradie Shelton is recommended.

Very respectfully,

W.A.Jones,

Commissioner.

SAW-CGC

DC-31626-1903.

Department of the Interior. J.F. FMB

I.T.D.7826-1903. Washington, November 11,1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 31,1903, the Commissioner of Indian Affairs submitted the case involving the application for the enrollment of Brudie Shelton, as citizen by intermarriage of the Cherokee Nation, and for the enrollment of Raymon S. Shelton, as a citizen by blood of said Nation, transmitted with your letter of March 5, 1903.

The Commissioner recommends that your decision of February 2, 1903, in favor of Raymon S. Shelton and adverse to Brudie Shelton, be concurred in.

It appears that Brudie Shelton, a white woman, was lawfully married on March 9,1899, to James A. Shelton, a citizen by blood of the Cherokee Nation. It appears, however, that Raymon S. Shelton was born October 11,1899, to James A. Shelton and his wife.

Referring to section 698 of the Cherokee Law (1892) which provides:

"That when a man having by a woman one or more children shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

you held, as stated, that this child was entitled to enrollment, that as the act of July 1,1902 (32 Stat., 716), provides that no white person who has intermarried with a Cherokee citizen since the nineteenth day of December, 1887, shall be entitled to enrollment

Finding no reason to disturb your decision so far as the applicant Hyman S. Shelton is concerned, it is affirmed as to him.

No action will be taken relative to Ernie Shelton until the Court of Claims has passed upon the question of intermarried claimants, submitted to it February 24,1908.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Cherokee R-487.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, rejecting the application for the enrollment of Bradie Shelton as a citizen by intermarriage and granting the application for the enrollment of his minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said Raymon S. Shelton on November 11, 1903.

Respectfully,

Tams Bixby,

Chairman.

(COPY)

Cherokee R-487.

Muskogee, Indian Territory, November 19, 1903.

Brodie Shelton,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1901, rejecting the application for your enrollment as a citizen by intermarriage and granting the application for the enrollment of your minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to your said child on November 11, 1903.

Respectfully,

Tams Bixby,

Chairman.

Lemi 7/16/1932

Request for certified copy of birth affidavit in the case of Eugene S. Shelton, Cherokee 25722.

WEA- TKK

July 16, 1932.

The Honorable
The Commissioner of Indian Affairs.

Sir:

For the official use of this office you are requested to furnish a certified copy of the original birth affidavit filed in connection with the application for the enrollment of the above named enrollee.

The original birth affidavit in this case was transmitted to the Secretary of the Interior on March 8, 1905, with the record of proceedings had in the matter of the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and of his minor child, Eugene S. Shelton, as a citizen by blood of the Cherokee Nation.

Respectfully,

Acting Superintendent for the
Five Civilized Tribes.

Cher 10357

Amanda Wood

Trans. from D27

Cher 10357

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 12, 1900.

In the matter of the application of Hiram M. Wood et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

Q What is your name? A Hiram M. Wood.
Q What is your age? A Fifty-two.
Q What is your postoffice? A Zenia.
Q You make your residence there? A Yes sir.
Q How long have you lived there? A Two years this last February.
Q Where did you live prior to that time? A Ten miles north of Afton.
Q How long have you lived in the Territory? A In the Cherokee Nation since 1895.
Q Where did you live prior to that? A I lived six years in the Peoria Nation.
Q Where were you born? A In the State of Indiana.
Q Are you a Cherokee by blood? A No sir.
Q Do you make application as a Cherokee by intermarriage?
A Yes sir.
Q Have you ever applied to the Dawes Commission before for citizenship? A No sir.
Q Did you ever apply to the authorities of the Cherokee Nation?
A Not before this time.
Q Is your name upon the roll of 1880? A No sir.
Q Is it upon the authenticated rolls of 1896? A I think so.

Note: 1880 roll examined, Delaware District, page 594, #603, Hiram Wood.

Q Are you married? A Yes sir.
Q Under what law were you married? A Cherokee law.
Q Have you your marriage license? A No sir.
Q No marriage certificate which you desire to present in this case here? A I haven't it. I left my marriage license and certificate with the preacher that married me, and never was able to get it any more.
Q Did you have a license? A Yes sir.
Q Where were you living at the time of your marriage? A Peoria Nation.
Q What was your wife's name at the time she was married?
A Amanda Boyle.
Q Her name upon the rolls of the Cherokee Nation? A I think so.
Q Her name on the roll of 1880? A Yes sir.

Note: 1880 roll examined, page 221, #141, Amanda Boyle, Delaware District, as "Adopted white."

Q When your wife was registered in 1880 she was the wife of John Boyle? A My understanding is she was registered in 1870, that is when the Shawnees come here.
Q Was she an adopted Shawnee or a Shawnee by marriage? A She will have to answer that, I am not able to do so.

-- -- --

Amanda Wood, being sworn and examined by Commissioner Needles testifies as follows:

Q What is your name? A Amanda Wood.
Q What is your age? A Fifty-six.
Q Where do you reside? A Zenia, Indian Territory.
Q You make that your residence? A Yes sir.
Q How long have you lived there? A Three years now.
Q Where did you live before that? A Lived between Afton and Miami.

Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Thirty years.
Q Are you a Cherokee by blood? A No sir.
Q What are you by blood? A A white woman, and registered Shawnee.
Q What was your first husband's name? A J. W. Boyle.
Q When were you married to J. W. Boyle? A In May, 1870.
Q When did J. W. Boyle die? A In 1885.
Q You lived with him until his death? A Yes sir.
Q And you were a white woman? A Yes sir.
Q After the death of Mr. Boyle, did you remarry? A Yes sir.
Q Who did you marry? A Hiram Wood.
Q Was he a white man? Or a Cherokee? A White man.
Q What is the date of that marriage? A 3rd day of February, 1895.
Q Are you upon the authenticated rolls of 1880? A Yes sir.
Q At that time you were the wife of Mr. Boyle? A Yes sir, I think I am on all the rolls.
Q Are you a white woman yourself and your present husband is a white man? A Yes sir.
Q Have you any children? A I had at the time.
Q Have you any children living now under twenty-one years of age?
A No sir, I have a grandchild.
Q You are applying now just for yourself? A And my grandchild if I am permitted.
Q What is the name of your grandchild? A Charles H. Lassley.
Q Its mother's name? A Mary L. Boyle.
Q Mary L. Boyle on the roll of 1880? A Yes sir.
Q Is she dead? A Yes sir.
Q When did she die? A In 1898.
Q How old is this child? A Two years old, it was born in 1898.

Examination by Att'y Hutchings, for Cherokee Nation:

Q How did your husband, John Boyle, become a Shawnee? A By intermarriage.
Q He was a white man himself? A Yes sir.
Q His wife died and he married you, a white woman, before he came to this country? A Yes sir, we enrolled here with the Shawnee tribe in 1871.

Examination by Com'r Needles:

Q What was the father's name of this child? A Harlin Lassley.
Q Was he a white man? A Yes sir.

Examination by Att'y Hutchings:

Q The child was born before ever you married Boyles?
A No sir, she married ~~Lassley~~ Harling Lassley.

Examination by Com'r Needles:

Q Is Harlin Lassley alive? A Yes sir.
Q Have you the child in your possession? A No sir, he is here now.
Q He ought to apply for the enrollment of his child. A He had given it away. The child's father I don't know where he is, the child is here.

Examination by Att'y Hutchings:

Q The child is not living with you and you have no control over it?
A Somebody ought to represent it; it has got a right here if any of us have.

Attorney Hutchings here submits law bearing upon this case, to wit: Section 660 of the Compiled Laws of the Cherokee Nation, 1892, and the sections following, and section 660.

Note: Mrs. Wood appears upon the roll of 1880, Delaware District, page 221, #141, as Amanda Boyle.

Examination by Com'r Needles:

Q You have no married children? A No sir.
Q It appears that your name is on the regularly authenticated roll of 1880, and that the name of your husband, H. M. Wood, is upon the Census roll of 1896 as Hiram Wood, and he is identified as being the same person, but the law of the Cherokee Nation in regard to the intermarriage of citizens with white persons is such that the Commission is not able to determine at this time as to your rights of citizenship, nor as to the rights of Mr. H. M. Wood, who applies with you. Your names will be placed upon what is known as a doubtful card, and your case will be considered by the Commission when they make up the final rolls of the Cherokee Nation. Decision of the Commission, in extenso, will be forwarded to you and Mr. Woods in the near future, by mail. If you desire, either of you, to offer any other evidence, documentary evidence, affidavits, or to give any oral testimony in regard to your case you will be permitted to do so.

Applicant, Hiram M. Wood, makes statement as follows:
Mr. Boyle paid for his and his wife's right in the Nation here when they came. Paid in the amount that was prescribed to be paid for admission.
Q Did they pay this or did the Shawnees pay it? (No answer from Hiram M. Wood, but Amanda Wood says:) Paid like the rest of them paid it.

Amanda Wood, examined by Att'y Hutchings:

Q Have you ever taken any land in the Peoria Nation? A No sir.
Q How come you to reside there all the time? A I never resided there.
Q Didn't you state that you resided there? (Amanda Wood does not answer, but Hiram M. Wood says:) I did, before I was married.

Commissioner Needles:

And you will be permitted, either or both of you, to appear before the Commission at any time, either by person, in support of your claim for citizenship, or attorney, at the offices of the Commission at Muskogee, at any time before the rolls are made.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

(signed) M. D. Green

Subscribed and sworn to before me this 13th day of July 1900.

(signed) R. L. Needles,
Commissioner.

(MDG)

CHEROKEES BY BLOOD AND ADOPTION.

Date July 12

#1 52

Name Hiram M. Wood Zena, I.T.

District Delaware Year 1898 Page 591 No. 803

Citizen by blood Mother's citizenship U. S.

Intermarried citizen Cherokee Intermarried Shawnee

Married under what law Date of marriage Feb 3rd 1898

License Certificate

#2 56

Wife's name Amanda Wood

District Delaware Year 1880 Page 221 No. 141

Citizen by blood Mother's citizenship

Intermarried citizen Intermarried Shawnee

Married under what law Date of marriage

License Certificate

Names of Children: DOUBTFUL

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

#1 on 1896 Roll as Hiram Wood

#2 " 1880 " " Amanda Boyle

(COPY)

Vinita, I.T., Oct. 2, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Hiram M. Wood et al for enrollment as citizens of the Cherokee Nation.

(signed) W. H. Kornegay, Atty.
Atty for applicants

No. D 27

(NOTE)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Hiram M. Wood et al. for enrollment as Cherokee Citizens.

Supplemental testimony on behalf of the applicant.

Appearances:
W. H. Kornegay, attorney for applicants;
J. L. Baugh, Cherokee Representative.

Mr. Kornegay: I want to refer to the Shawnee Roll, I think it is of 1870, anyway, it is the Registered Shawnee Roll, and call your attention to the fact that the name of this applicant is on that roll, Amanda Wood, but it appears on there as Amanda Boyle.

Commissioner: The applicant calls attention to the fact that the register of the names of members of the Shawnee Tribe of Indians who have moved to and located in the Cherokee Nation, Indian Territory, prior to 10th of June, 1871, within two years from the 9th day of June, 1869, in accordance with the agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation, through their delegates in Washington City, D.C., United States of America, on the 7th day of June, 1869, in accordance with the 15th article of the Cherokee Treaty with the United States, proclaimed August 11, 1866; in the printed copy in the hands of the Cherokee Nation, No.16, is found the name of one Amanda Boyles.

Mr. Kornegay: Now I want to introduce in evidence §665 of the Compiled Laws of the Cherokee Nation, 1892.

JOSHUA M. McDANIEL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegay: What is your name? A Joshua M. McDaniel.
Q What is your postoffice? A Miami, Indian Territory.
Q How old are you? A 57 last June.
Q Your occupation? A Minister of the Gospel.
Q How long have you been a minister?
A Been an ordained minister about 27 years.
Q Where were you living in the year 1895? A Living in Miami.
Q Did you know Hiram Wood during that year, the applicant?
A Yes sir.
Q Do you know his present wife, Amanda Woods? A Yes sir.
Q Do you know when they were married? A Yes sir.
Q When? A They were married in 1895, on the 3rd day of February.
Q Where? A At Mr. Lytle's residence in the Cherokee Nation.
Q Who performed the ceremony? A I did.
Q You know whether they had a license? A Yes sir.
Q From what authorities was this license obtained?
A It was obtained from the Cherokee authorities.
Q What became of that license? A I filled them out and mailed them to the address of who made out the license, Mr. John Duncan, to Vinita, this city.
Q You say you filled out the license; what do you mean by filling out the license? A Putting down the date when married and who by.
Q And you deposited them in the mails? A Yes sir.
Q Well, what became of it after that, do you know? A I do not.
Q Was it ever returned to you? A It was not; it is my custom always to write on the envelope, if not received by such a time, to be returned to the office wherever I mailed, that is, official work.

A. G. WOODS, bein duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegay: What is your name? A A. G. Woods.
Q How old are you? A 29 years old.
Q What is your postoffice? A Zena, Indian Territory.
Q What relation are you to the applicant, Hiram M. Woods? A A son.
Q You a son by which marriage? A By his first marriage.
Q Whom did he marry the last time? A Amanda Boyles.
Q When? A In 1895.
Q Do you know where he got his license to marry her? A At Vinita.
Q Whom from? A John Duncan.
Q Who was he? A Clerk.
Q Clerk of what? A Delaware District.
Q What nation? A Cherokee Nation.
Q Were you present at the time that he got the license? A Yes sir.
Q Do you remember whether he had any document of any kind that he presented to the clerk at that time in order to procure that license? A He did.
Q What did he do with them? A Gave it to the clerk.
Q And did the Clerk issue the license? A Yes sir.
Q Do you know whether he paid the Clerk for issuing the license?
A He did.
Q Do you know what he paid him, do you remember? A $10.
Q How long afterwards before he was married? A About three days, three or four days.

Mr. Baugh: Are you a citizen of the Cherokee Nation? A No sir.
Q Did you see that paper that you say your father gave the Clerk?
A No sir.
Q You didn't see it? A No sir.
Q You don't know what it was he gave him? A No sir.
Q Did your father go around and get the requisite number of signers in order to get the license? A I heard him say he did.
Q You didn't see it? A No sir, I wasn't staying at home, and I don't know that.
Q You don't know anyone that signed it? A No sir, only what I heard him say that signed it, I didn't see it.

HIRAM M. WOOD, the applicant, called to the stand, testified as follows:

Mr. Kornegay: Give us your name? A H. M. Wood.
Q You say in your original testimony that you married under the Cherokee law; I will ask you if you got signers? A Yes sir.
Q Do you remember who some of the signers were? A It has been some little time, I can recollect most of them yet, Fred Garrett was one.
Q Mr. Wood, what became of the license after they issued it to you?
A I left them with Elder McDaniels and he returned them, I never heard of them any more.
Q Did you ever search the records to see whether or not they are of record? A Yes sir, Mr. Hastings was clerk, I made an application for my license and he notified me that there was no record of my marriage.
Q Who was the clerk at the time you got the license? A Why Mr. Duncan.
Q State whether or not you presented any certificate or anything of the sort as to your former residence at the time you got the license? A Why I presented the 12 signers and also a certificate that he required of me from the county that I had last voted in in the State and also with the county seal upon it, and I also left it with him, where I voted last.
Q The woman that you married, do you know whether she is on the Shawnee rolls or not? A To the best of my knowledge she is on the Shawnee roll, there as a registered Shawnee.

Mr. Baugh: When you married your wife, did you know whether she was a white person or Indian woman? A I knew her to be a Shawnee Indian.
Q Didn't you know her to be a white woman? A No sir, I knew her to be a Shawnee.
Q Then when she swore in the testimony here a short time ago that she was a white woman, she didn't swear the facts? A Well I didn't know her as the blood, I knew her as the tribal.
Q As an intermarried Shawnee? A No sir, as a registered Shawnee.
Q Well, you know she is a white woman too, didn't she tell you that?
A Well I can't say that we ever had a talk about the blood question, I knew her as a tribal Shawnee.
Q Well, were the signers to your petition, were they all Indians by blood? A Yes sir.
Q When you made application to the District Clerk, was he apprised of the fact that your wife was a white woman and wasn't an Indian?
A I made two efforts to get my marriage license, I came with my signers and he refused them.
Q What I want to know is, did he know whether she was a white woman or not? A I would be able to tell you what he knew.

Mr. Kornegay: (exhibiting letter) I want to offer this letter as the foundation for introducing secondary evidence as to the marriage.

Commissioner: Applicant asks to file a letter signed by W. H. Kornegay, addressed to A. B. Cunningham, Executive Secretary, and the same will be filed.

FREDERICK GARRETT, being duly sworn by Commissioner Needles, testified as follows:
Mr. Kornegay: What is your name? A Frederick Garrett.
Q What is your citizenship? A I am a Shawnee by blood.
Q A recognized Shawnee? A Yes sir, claim to be.
Q Do you know Hiram Wood? A Yes sir.
Q Know Amanda Wood? A Yes sir.
Q I will ask you if you signed the petition for Hiram Wood to marry Amanda Wood? A Yes sir, I did.
Mr. Baugh: What is Amanda Wood? A Why she is a white woman, I think, married into the Territory, as far as I understand.
Q What was Hiram Wood, what was he, a white man or an Indian?
A White man I suppose.
Q And he married a white woman? A Why she was white before she married into the Territory.
Mr. Kornegay: Do you know whether she is on the Registered Shawnee roll of '69 or '70? A No sir, I don't know that.
Q Do you know whether she came here with the Shawnees?
A I don't know about that.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a ture and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this 25th day of October, 1901.

(signed) E. B. Needles,
Commissioner.

(NEW)

(COPY)

Cherokee D-27

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Hiram M. Wood et al for enrollment as Cherokee citizens.

Appearances:
W.H.Kornegay, of Vinita, I.T., Attorney for applicants;
W.W.Hastings, attorney for Cherokee Nation.

BY MR. KORNEGAY:

The applicant, Amanda Woods, contends that she being a Registered Shawnee, settling in the Nation under the provisions of article 15 of the Treaty between the United States Government and the Cherokee Nation, followed by the agreement between the Shawnees and Cherokees, she then and there acquired all the rights of a native Cherokee citizen, and her standing is that of a native Cherokee; that such being the case, and she having resided in the Nation since then, and her name appearing on the roll of 1880, and others, that she is entitled to enrollment.

The applicant, Amanda Woods, contends that it has been proven in this case, both by an inspection of the rolls themselves and by oral testimony, that her name appears upon the Registered Shawnee roll as well as the roll authenticated of 1880, as well as other rolls, appearing prior to February 3rd, 1895, asAmanda Boyle, and after that time as Amanda Woods. It is supposed by the applicant, Amanda Woods, that the Cherokee Nation objects to her being enrolled solely upon the ground that she has forfeited her rights to citizenship in said Nation by virtue of her marriage to Hiram M. Wood, a citizen of the United States, on February 3, 1895; believing, though not assured, that this is the sole contention of the Cherokee Nation in this matter, she further contends that her status being that of a native Cherokee, there was no law of the Cherokee Nation forfeiting her citizenship by reason of her marrying Hiram M. Wood. She further contends that the laws that the Cherokee Naion passed upon the subject did not apply to a person situated as she was, and never was intended to so apply by the Cherokee legislature in passing. That if they had undertaken and intended that it should apply to a person situated as she was that it would have been in violation of the treaties between the Cherokee Nation and the United States and in violation of the agreement between the Shawnees and the Cherokee Nation, and therefore was of no validity and effect, so far as she was concerned.

The applicant further contends that the law of the Cherokee Nation passed upon the subject never did apply to a woman. That under the law passed upon the subject, section 663, a marriage between a female citizen of the Nation, where she be such by virtue of being incorporated and adopted into the tribe as a Shawnee, Delaware, white intermarried person or otherwise, was either a nullity or else it had the effect of adoption of her spouse. The portion of the section referred to being as follows: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

That the provisions therein referred to are embodied in sections 659, 660, 661 and 662, of the Compiled Laws of the Cherokee Nation, as follows:

"Section 659: Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws,

jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information is freely furnished to the satisfaction of the clerk, no license shall issue."

"Section 660: Every white man or person applying for license, as provided in the preceding section of this Act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with "a certificate of good moral character signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 661: Before any license as herein provided shall be issued, the person applying shall be, and is hereby required to pay to the clerk to whom application is made, the sum of five dollars, for the benefit of said clerk, and the additional sum of five dollars for the benefit of the Cherokee Nation; and all sums, so received for the benefit of the Nation, shall be turned over by the clerk, to the national treasurer, on the first Monday in November of each year, beginning with 1881 and be also required to take the following oath:

'I do solemnly swear that I will honor, defend and submit to the constitution and laws of the Cherokee Nation and will neither claim nor seek from the United States, or any other government, or from the judicial tribunals thereof, any protection, privilege, or redress incompatible with the same, as guaranteed to the Cherokee Nation by the United States in treaty stipulations entered into between them. So help me God!"

"Section 662: Marriages, contracted under the provisions of this Act, shall be solemnized as provided by the laws of this Nation, or otherwise shall be null and void."

That under that law if she married at all in the limits of the Nation she necessarily must adopt the man that she marries, and that under the treaties with the United States and the Cherokee Nation, it was beyond the power of the Cherokee Nation to pass a law forfeiting her citizenship on occasion of her marrying, as being void.

She further contends that her name appearing on the roll of 1880, under the Act of June 28, 1898, it is the duty of this Commission to enroll her the moment that that fact appears, as they have no discretion whatever to inquire into the status of any person for any cause whatever whose name appears upon the roll of 1880.

She further contends that under the Cherokee Law on the subject of forfeiture, no forfeiture could occur except it was prosecuted in the district where the marriage took place, to a judgment, prior to January 1st, 1898; that the provision, so far as forfeiture is concerned, of the Cherokee law, was superseded by the Act of June 7, 1897, which provided that

"From and after the first day of January, 1898, all persons in the Cherokee Nation, irrespective of citizenship, should be subject to the laws of the United States."

That if there was no law of the United States forfeiting her citizenship from and after that time the forfeiture not having been declared prior to that time, it was impossible for the Cherokee Nation either by authority of this Commission or in her own courts or anywhere else, to declare that forfeiture under that law, as the remedy had been prescribed by the law itself.

She further contends that as the Cherokee Statute on the subject of forfeiture had provided the remedy, which was the remedy provided in ordinary civil suits, that the Cherokee Statute of limitations began to run the moment that the marriage took place between her and Hiram Wood, to-wit, on the 3rd day of February, 1895, and that two years thereafter the Cherokee Nation under the law could not at any time insist upon the plea of forfeiture.

The provisions of the Cherokee law referred to being found, article 9, of the Compiled Laws of the Cherokee Nation, edition of 1892.

She further contends that her name appearing on the roll of 1896, that the only thing that could be done towards an investigating her rights to debar her of them would be to examine that roll and see, and also the circumstances under which she came on that roll, and see whether or not her name was placed there by fraud, or without authority of law, and being there the presumption is, which is undisputed in this case, that it was rightfully placed there, and she should be enrolled on that.

The applicant, Hiram M. Woods, contends that under the provisions of the Cherokee law regulating intermarriage between white men and female citizens of the Cherokee Nation, whether by blood or adoption, or whether by treaty with the Shawnees or by intermarriage, that it was incumbent in order to make a legal marriage within the limits of the Cherokee Nation where this marriage ceremony was performed, that the white man should go through with the formalities prescribed in that statute, and should actually pay to the Cherokee Tribe five dollars in addition to the regular fees for issuing the license, ad that he complied in every way with the provisions of this sections of the statute bearing upon the point, namely, sections 669, to 662, and that no matter what his spouse was, whether adopted white, or a Shawnee, that he became thereby adopted into the tribe.

His contention is that the standing of Amanda Boyle, at the time that he married her and at the time he complied with the requisites laid down in those sections was that of a native born Cherokee woman, and that in marrying her as he did, under that law he thereby became adopted, and is entitled to enrollment as an adopted citizen of the Cherokee Nation.

His further contention is that the rights of Amanda Boyle could not under the law and were not forfeited by her marrying him on February 3rd, 1895, and that the forfeiture cannot now be declared as the Statute of Limitations has run, and no steps whatever were ever taken by the Cherokee Nation to declare such forfeiture except for the appearance of her representatives before the Commission in opposition to his enrollment, and that this appearance did not take place until after the Statute of Limitations had run and until after under the law of the United States the subject of a forfeiture of citizenship by marrying out had been legislated upon, and that law has been done away with.

He further contends that his name appearing on the roll of 1896, which was made by the Cherokee authorities, that they themselves had placed a construction upon their own laws to the effect

that he in marrying this woman as he did he became an adopted citizen, and that this Commission should follow that construction so placed by the Cherokee authorities, and that his name appearing thereon, unless the Cherokee authorities can show to the contrary, the Commission should take it as prima fade evidence of its being rightfully there.

BY MR. HASTINGS: The Representatives of the Cherokee Nation contend that the roll of 1880 is binding upon the applicant as her status is described thereon, and that this roll is confirmed by an act of Congress, which settles her status. That she appears upon the roll of 1880 as an adopted white, and that therefore when she married Hiram Wood, admitted to be a white man, that she forfeited her rights to citizenship by intermarriage or adoption in to the Cherokee Nation, as provided in section 666 of the Compiled Laws of the Cherokee Nation, 1892:

"Section 666: Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The Cherokee Nation contends that limitation does not run against the Cherokee Nation, as has been stated in numerous instances by the Supreme Court of the Cherokee Nation, and that this Commission is compelled to accept the construction placed upon that law by the Cherokee Nation itself, as provided in section 21 of the Curtis Bill.

The Cherokee Nation further contends that inasmuch as their courts were abolished by the Act of Congress cited by the attorney for the applicant, that jurisdiction in citizenship matters was transferred from the Cherokee authorities to this Commission, and that this Commission is charged under section 21 to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee law", and that if Amanda Wood had forfeited her right to citizenship under Cherokee law that this Commission is compelled to take judicial knowledge of it and to apply the Cherokee law to each applicant for enrollment to citizenship in the Cherokee Nation.

The Cherokee Nation does not admit that Hiram M. Wood married in accordance with the laws of the Cherokee Nation, and does not admit that he obtained a license to marry his wife in accordance with the laws of the Cherokee Nation, and does not admit that the testimony introduced by the applicant is competent testimony, and does not admit that the testimony shows that he complied with the laws of the Cherokee Nation; and contends that the record is the best testimony by which to prove these facts, and that it must be shown to have been lost or destroyed before any other testimony is competent.

BY MR. KORNEGAY: In reply to the contention, outline of which is set forth above, Amanda Wood says that her right to citizenship in the Cherokee Nation did not accrue by virtue of intermarriage, and that her adoption into the Cherokee Nation was not by intermarriage, but was under the provisions of the Shawnee agreement and the Treaty between the Cherokee Nation and the United States; and that because the word "adopted white" is written opposite her name on the Cherokee roll that that is not proof that she was an intermarried citizen.

She further claims that for the first time at this hearing the Cherokee Nation by its representatives has insisted upon this forfeiture, and that the statute of limitations as laid down in Mansfield's Digest, and the Revised Statute of the United States have run before the forfeiture is insited upon, even after the abolishing of the Cherokee law.

She now moves the Commission to enroll her at once, in view of the fact that it is admitted in this case that the marriage took place within the limits of the Cherokee Nation between herself and Hiram M. Wood in the year 1895, and that if that marriage was a nullity, as contended for by the Cherokee Nation, she has done nothing whatever to forfeit her rights; if on the other hand it was valid and legal, it did not effect her status at all.

BY MR. HASTINGS: The representatives for the Cherokee Nation in reply want to call attention to the fact that they never did contend that this marriage was a nullity so far as marriage relations were concerned between husband and wife; but they do contend that it works forfeiture of her citizenship, and does not admit him to the rights of citizenship in the Cherokee Nation.

BY MR. KORNEGAY: We contend on the contrary, that it is not living in the marital connection that forfeits the right but it is the fact alone of the marriage, if any forfeiture can accrue under that law.

By COMMISSION:

Case closed by agreement of attorney for applicant and attorney of the Cherokee Nation.

BY MR. KORNEGAY: I will submit brief if the Commission pleases.

BY COMMISSION: Attorney for the applicant files Brief in application of Hiram M. Wood and Amanda Wood, his wife, for enrollment as Cherokee citizens.

BY MR. HASTINGS: Cherokee Nation reserves the right to file brief in reply to this one.

BY COMMISSION: Representatives of the Cherokee Nation will be granted ten days in which which to file brief in reply. They will be required to file a copy of the brief with the attorney for the applicant. The attorney for the applicant will also be required to file a copy of his brief within ten days thereafter.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green

Subscribed and sworn to before me this February 18, 1902.

(signed) T. B. Needles

Commissioner.

(MPM)

(COPY)

Cher
Supp'l to D 27

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of HIRAM M. WOOD, for the enrollment of himself as a citizen by intermarriage, and his wife, AMANDA WOOD, as a citizen of the Cherokee Nation, of Shawnee blood:

HIRAM M. WOOD, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Hiram M. Wood.
Q What is your age? A I am fifty four years old.
Q What is your postoffice? A Zena, I.T.
Q Are you the same Hiram M. Wood that applied for enrollment as an intermarried citizen in July, 1900? A Yes sir.
Q What is your wife's name? A Amanda.
Q Is she living? A Yes sir.
Q Is she a Cherokee citizen by blood? A No sir, she's a registered Shawnee.
Q Is your wife a Shawnee by blood or a Shawnee by adoption? She is a white woman, isn't she? A Yes sir.
Q Now when were you married to your wife Amanda? A February 3,1895.
Q Were you married to her under a Cherokee license? A Yes sir.
Q Were you ever married before you married this woman? A Yes sir.
Q How many times had you been married before? A Once.
Q What was your first wife's name? A Catherine Yider.
Q Was she living or dead when you married your wife Amanda?
A She was dead.
Q Had your wife Amanda been married before you married her?
A Yes sir.
Q How many times had she been married before? A Once.
Q What was her first husband's name? A His name was Boyle, but I can't give his initials.
Q Was he a white man or a Shawnee? A A Shawnee I suppose.
Q Was he living or dead when you married her? A He was dead.
Q Have you and your wife Amanda lived together as husband and wife ever since your married in 1895 up to the present time? A Yes sir.
Q Never have separated? A No sir.
Q Were you living together as husband and wife on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation Mr. Wood?
A Have been living in the Cherokee Nation for fifteen years.
Q All the time for the last fifteen years? A All the time, never lived anywhere else.
Q Has your wife lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes sir.
Q Your wife's first husband was named Boyle? A Yes sir.
Q Was your wife married to him in Kansas before she came to this country? A Yes sir.
Q Was Boyle a registered Shawnee? A Yes sir.
Q Did Boyle come with the Shawnees from Kansas? A Yes sir.
Q And your wife came with him? A Yes sir.
Q And she is on the register of Shawnees who came under the treaty between the Shawnees and the Cherokees? A Yes sir.

E.C.Bagwell,on oath states that,as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(signed) E. C. Bagwell.

Subscribed and sworn to before me this November 28, 1902.

(signed) B. C. Jones,
Notary Public.

(S) (E) (A) (L)

(MPK)

(COPY)

CR

Cherokee D-27

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hiram M. Wood, et al., as citizens of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on July 12, 19001 Hiram M. Wood appeared before the Commission at Fairland, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 21, 1901, and at Muskogee, Indian Territory, on February 15, 1902, and October 21, 1902.

The evidence shows that the said Amanda Wood is a white woman; that she is identified on the register of Shawnees who removed to and located in the Cherokee Nation within two years of the 9th day of June, 1869, in accordance with the agreement entered into between the Shawnee tribe of Indians and the Cherokee Nation, approved by the President of the United States on June 9, 1869. Said Amanda Wood is identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The evidence further shows that the said Hiram M. Wood is a white man; that he was lawfully married to his wife, Amanda, on February 3, 1895, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation. He is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said Amanda Wood has lived in the Cherokee Nation continuously since 1880, and that her said husband, Hiram M. Wood, has lived with her in said Nation continuously from his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Amanda Wood should be enrolled as a citizen of the Cherokee Nation, and that Hiram M. Wood should be enrolled as a citizen by intermarriage of said Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby
Acting Chairman.

(signed) T. B. Needles
Commissioner.

(signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb -2 1903

(MCM)

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF HIRAM M. WOOD, ET AL., AS CITIZENS OF THE CHEROKEE NATION.

Cherokee D-27

PROTEST OF THE CHEROKEE NATION

Comes Now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2nd, 1903, in the above case, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed by the Cherokee Nation before the Commission.

Inasmuch as we have fully discussed the reasons why we do not believe the applicants are entitled to be enrolled, in said brief, we do not believe it is necessary to make any additional statement, but request that a copy of said brief be forwarded to the Secretary of the Interior.

Respectfully submitted,

(signed) W. W. Hastings

Attorneys for the Cherokee Nation.

(MPM)

Cherokee D-27

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of the record in this case, and that the same is a true and correct reproduction.

Mabel F. Maxwell

Subscribed and sworn to before me this 2nd day of March, 1904.

[illegible]

Notary Public

MCM

OFFICIAL
MIGRATION
1906

(COPY)

Vinita, Ind. Ter., Oct. 5, 1901.

A. B. Cunningham,

Executive Secretary, Tahlequah, I.T.

Dear Sir:

I desire to get a copy of the marriage license of Hiram Wood to Amanda Boyds issued just prior to February 3, 1895. They were married February 3, 1895, and got license from clerk of Delaware District. Please examine the record and send me copy of whatever there is and I will remit the costs.

Yours truly,

(signed) W. H. Kornegay

W. H. K.

I have carefully examined the Marriage Records of Delaware District and failed to find any record of the above marriage license.

Very respectfully,

10 - 5 - 01.

(signed) A. B. Cunningham.

(1078)

(COPY)

Muskogee, Indian Territory, January 30, 1902

Mr. Hiram M. Wood,

Zena, Indian Territory.

Sir:

You are hereby notified that the application of yourself and wife, Amanda Wood for enrollment as ___ citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, on the 15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Copy to W.H.Kornegay, Atty.,
Vinita, I.T.

Register
Cherokee R-87
(2004)

Acting Chairman.

(COPY)

Cherokee D-27

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-1424

(MPM)

Cherokee Roll

Muskogee, Indian Territory, February 16, 1906

Hiram M. Wood,

Zena, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1906, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife, Amanda Wood, as a citizen of the Cherokee Nation.

There has heretofore been furnished your attorney, W. H. Kornegay, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings has in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Enc. M-101
Registered.

Acting Chairman.

(over)

(COPY)

Cherokee D-57

Muskogee, Indian Territory, February 18, 1903.

W. H. Kornegay,

Attorney for Hiram M. Wood et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. 2101

Register.

(EEM)

(COPY)

Cherokee D-57

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himseld as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation, including the Commission's decision dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Acting Chairman.

(RPX)

(COPY)

Cherokee D-27

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, A. anda Wood, as a citizen of the Cherokee Nation, including the Commission's decision dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby,

Acting Chairman

Enc. M-3101

Through the

Commissioner of Indian Affairs.

(MPM)

Refer in reply to the following:
Land, 12836-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 27, 1903, (I.T.D. 5816), there is enclosed herewith report of the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting record relative to the application of Hiram M. Wood for enrollment as an inter-married citizen of the Cherokee Nation, and for enrollment of his wife Amanda Wood, a citizen of the Cherokee Nation.

February 2, 1903, the Commission held that Hiram M. Wood was entitled to enrollment as an intermarried citizen, and that Amanda Wood should be enrolled as a citizen of the Cherokee Nation. Prior to the Commission's decision the attorney for the applicants and the attorney for the Nation filed briefs and arguments in the case. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that Amanda Wood is a white woman; that she is identified by the register of Shawnees who removed to and located in the Cherokee Nation within two years from June 9, 1869, in accordance with the Cherokee-Shawnee agreement. Her name appears on the 1880 Cherokee roll.

The record further shows that Hiram Wood is a white man; that he was lawfully married to Amanda Wood February 3, 1895, in accordance with the laws of the Cherokee Nation. Amanda Wood, nee Boyle, has resided in the Cherokee Nation since 1880, and her husband has resided there continuously from the date of their marriage, February 3, 1895, up to and including September 1, 1902.

The attorney for the Cherokee Nation takes the position that as the name of Amanda Wood appears on the 1880 roll as an adopted white she forfeited her right of citizenship by her intermarriage with Hiram M. Wood, a white man, "having no rights of Cherokee citizenship by blood."

In the John V. Kinney case, which is very similar to this case, the Department by letter of December 16, 1902 (I.T.D.7540), held that Kinney's status, who was a Delaware, became the same as that of a native Cherokee by reason of the provisions of the Cherokee-Delaware agreement.

Amanda Wood became a citizen of the Cherokee Nation under the provisions of the Cherokee-Shawnee agreement of 1869, and the office believes that she is entitled to enrollment as a citizen of the Cherokee Nation, and that she did not by her intermarriage with Hiram Wood lose her citizenship, her rights being the same as those of a native Cherokee.

It is therefore respectfully recommended that the Commission's decision be approved in so far as it holds that Amanda Wood is entitled to enrollment as a citizen of the Cherokee Nation.

Very respectfully,
(signed) W. A. Jones.
Commissioner.

DAB-B

D. C. 31623-1903. FHE LRS JWH

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 4417-1902.
6474-1903.

November 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record of proceedings had in the matter of the application of Hiram M. Wood (Cherokee D. 27), for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation, including your decision of February 2, 1903, granting said application.

From the record it appears that Amanda Wood became a member of the Shawnee tribe by intermarriage with John Boyle. By virtue of the agreement entered into between the Shawnees and Cherokees, approved by the President of the United States June 9, 1869, she became a member of the Cherokee Nation. Her name, which was then Amanda Boyle, was accordingly placed upon the Cherokee census roll of 1880. In connection with her name on the roll is a memorandum designating her as an "adopted white."

February 3, 1886, Amanda Boyle became the wife of a white man named Hiram M. West, the principal applicant herein, to whom

she was married in accordance with the laws of the Cherokee Nation. He is identified on the census roll of 1896. Mrs. Wood has resided continuously in the Cherokee Nation since 1880. Her husband has also resided there continuously since their marriage in 1895.

The attorney for the Cherokee Nation contends that as Mrs. Wood's name appears on the 1880 roll as an adopted white, her status as such must be accepted as final. Being so classed, he insists that her subsequent marriage to a white man caused her to forfeit her citizenship, under Section 666 of the Compiled Laws of the Cherokee Nation, edition of 1892.

This point has been passed upon in departmental decisions of October 31 and December 16, 1902, relating respectively to the cases of John M. Barlow and John V. Kinney. The former is a Mexican who was adopted by the Shawnees. The latter was a white man who was adopted into the Delaware tribe. In said decisions the Department held that the rights of these men as Cherokees were fixed by treaty and not by intermarriage, and that they are not therefore, subject to forfeiture of citizenship provided for in said section 666 of the Cherokee laws. The same ruling appears proper in the case now under consideration.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs called attention to the Kinney decision, and recommended, in accordance therewith, that your decision as to Mrs. Wood be approved.

The Department concurs in the Commissioner's recommendation, and your decision is accordingly affirmed as to Mrs. Wood. As to her husband, however, no decision will be rendered in his case at this time, inasmuch as his right to enrollment depends upon his ~~marriage~~ intermarriage with a Cherokee citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-27

Muskogee, Indian Territory, November 19, 1903.

Hiram M. Wood,

Zena, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to your said wife, on November 10, 1903.

Respectfully,

Tams Bixby

Chairman.

(MFK)

(COPY)

Cherokee D-27

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Hiram M. Wood as a citizen by intermarriage and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to Amanda Wood, on November 10, 1903.

Respectfully,

Tams Bixby

Chairman.

(MPM)

(COPY)

Cherokee D-27

Muskogee, Indian Territory, November 19, 1903.

W. H. Kornegay,

Attorney for Hiram M. Wood et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Hiram M. Wood as a citizen by intermarriage and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to Amanda Wood, on November 10, 1903.

Respectfully,

Tams Bixby

Chairman.

(MEM)

Cher 10358
Robert Czarnikow
Trans. from D117

Cher 10358

a-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 8 1900
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MULDROW, I.T., AUGUST 13, 1900.

In the matter of the application of Robert Czarnikow for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Czarnikow being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Robert Czarnikow.
Q Your postoffice? A Remey.
Q Your age? A About 55 or 60.
Q Are you a Cherokee Indian by blood? A Yes.
Q Does your name appear upon the Cherokee rolls? A Yes.
Q For whom do you apply? A Myself, wife and children.
Q What district do you live in? A Sequéyah?
Q How long have you lived there? A Nearly 60 years. Always lived there.
Q Never lived anywhere else? A No sir.
Q Is your father and mother living? A No sir, both dead.
Q What is your wife's name? A Nora.
Q When did you marry her? A '87.
Q What was her name when you married her? A Cheristine.
Q Her father and mother non-citizens? A yes.
Q Have you any children under 21 years of age? A yes.
Q What is the name of the first one? A Charles, 12 years old.
On '96 roll, page 1061, number 374.
Q Next? A Joel B., 10 years old.
On '96 roll, page 1061, number 373.
Q Next? A George, 8 years old.
On '96 roll, page 1061, number 374.
Q Next? A Bula, 6 years old.
On '96 roll, page 1061, number 375, as Bula A.
On '96 roll, page 1061 , number 375, as Bula A., (Rep't'n.)
Q Next? A Maudie, 4 years old.
On ' 90 roll, page 1061, number 377.
Q Next? A Nancy, 1 month old.
Q Have you any marriage certificate? A No sir.
Q Who married you? A Stephen Tehee.
Q Is he living? A Yes:
Q Your wife was a white woman? A Yes.
Q Are these children all alive and living with you at home now?
A Yes.

Applicant on '80 roll, page 691, number 359, as Czarnkow.
On '96 roll, page 1061, number 371 as Czarnikow.
Applicant's wife, Norah, on '96 roll, page 1112, number 42.

By Mr. W. T. Hutchins, Attorney for the Cherokee Nation:
Q What was your first wife's name? A Caraline.
Q She was enrolled in '80 as your wife, wasn't she? A Yes.
Q How long did you live together? A I could not tell you-- between 15 and 16 years.
Q You held her out to the world as your wife didn't you? A Yes.
Q And everbody recognized you in the community in which you lived as man and wife? A They certainly did.
Q And you never got any diverce from her? A No sir.

By the Commission:

The name of Robert Czarnikow appearing upon the authenticated roll of '80 and census roll of '96, he will be duly listed for enrollment as a Cherokee citizen by blood. And it appearing from the

testimony that his former wife, Caroline, is now living and that he never procured a decree of divorce from her although he was never legally married to her, but lived with her for a number of years specified in the testimony as his wife; and the name of his present wife, Nora, being found upon the census roll of '96, and also his children, being described as specified in the testimony, the final judgment as to the enrollment of his said wife, Nora, and his said Five Children by her, will be suspended. He presents no proof of marriage with his wife, Nora, nor any proof of birth as to his child, Nancy, whose name does not appear upon the census roll of '96. He will be required to file with this Commission a certificate of his marriage to his said wife, Nora, and proof of birth as to Nancy. And the name of his wife, Nora, and his six children as mentioned in the testimony will be placed upon a doubtful card. The decision of the Commission with reference to your wife, Nora, and your children, will be forwarded to you in the near future by mail, and whether they are accepted or rejected the testimony herein will be forwarded to the Secretary of the Interior with the rolls of the Cherokee Nation when they are forwarded to him for his approval.

The undersigned being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce McDonald

Subscribed and sworn to before me this 31st day of August, 1900, at Fort Gibson, I.T.

Commissioner.

D.17 B—

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 13 1900

ACTING CHAIRMAN

Enrollment of Applicants Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(55)

Date AUG 13 1900 1900

1 Name ~~Robert Ezzenikow~~ Henry J. T.

District ~~Sequoyah~~ Year 1880 Page 691 No. 359

Citizen by blood yes — Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

2 Wife's name Nora Ezzenikow

District Sequoyah Year 1896 Page 112 No. 42

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

3 Charley Ezzenikow	Dist. Sequoyah	Year 1896	Page 1061	No. 372	Age 12
4 Joel B.	Dist. "	Year "	Page 1061	No. 373	Age [illegible]
5 George	Dist. "	Year "	Page 1061	No. 374	Age 8
6 Buler R	Dist. "	Year "	Page 1061	No. 375	Age 6
7 Maud	Dist. "	Year	Page 1061	No. 377	Age 4
8 " Lucy	Dist. "	Year	Page	No.	Age 1 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

~~[illegible] sold [illegible] Robert Ezzenikow~~

3 " 1896 " Charley Ezzenikow

8 Affidavit of birth to be supplied

Certificate of marriage or ~~any other proof~~ to be supplied

K117

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 4 1900
Acting Chairman.

Executive Department,

CHEROKEE NATION

Tahlequah, I. T. Dec. 4th 1900

This is to certify that I Married Robert Cyarnikow and Nora Chastine on the 23d day of August 1887, at his house (R. Cyarnikow) in Sequahyah District Cherokee Nation.

Mr R. Cyarnikow is native Cherokee by blood and Nora Chastine from State of Mo.

Stephen Foreman.

p.s. I served this ceremony under My ordination as Minister of Gospel

Sworn to & subscribed this 4th day of December A.D 1900

S. S. Bayless Notary Public

Commission Expires Sep 12 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 13 1902

"R"

Cherokee D 117

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Norah Czarnikow, for the enrollment of herself and children as citizens of the Cherokee Nation:

Appearances:
W. M. Rampenpahl, Muskogee, I. T., for applicant;
W. W. Hastings, for Cherokee Nation.

ROBERT CZARNIKOW, being sworn and examined, testified as follows

Examined by W. M. Rampenpahl:

Q What is your full name ? A Robert Czarnikow.
Q What is your post office address ? A Bemy.
Q Are you the husband of Norah Czarnikow ? A Yes sir.
Q When were you married to Norah Czarnikow ? A Well I married in 1897, I think.
Q When was the last time you appeared before the Commission to the Five Civilized Tribes for enrollment of your said wife and children ?
A Pretty near two years ~~[illegible]~~ next August.
Q Since that time have you filed the birth certificate of your youngest child Nancy ? A Yes sir.
Q Is that certificate on file in this office at the present time ?
A I suppose so.

The Commission: There was received, approved and filed by the Commission on the 6th day of November, 1900, a duly executed affidavit as to the birth of Nancy Czarnikow, daughter of Robert and Norah Czarnikow.

Q I will get you to state if since your last appearance before the Commission you have filed with them an affidavit of the minister that married you and your present wife Norah Czarnikow ?
A Yes sir. I turned it over to Hastings there, and told him to file it, at Tahlequah. I told him to turn it over to the Dawes Commission, and told him to file it.

The Commission: There was received and filed by the Commission on the 4th day of December, 1900, a certificate from Stephen Tehee, certifying that on the 23rd day of August, 1897, he united Robert Czarnikow and Norah Chastaine in matrimony.

Q Please state to the Commission the name of the woman you lived with before your present marriage ? A Caroline.
Q I will get you to state whether you were ever married to Caroline?
A I did not.
Q You may go on and explain about that matter ?
A I offered to her to marry her several times, and she told me she didn't want to marry.
Q Was she in a position to marry any one at the time you lived with her ? A I know a man named Tom Proctor used to live with her before.
Q Do you know whether she was married at that time, or had a legal husband living ? A All I know was that Tom Proctor and her lived together.
Q I will get you to state whether Caroline is living at this time, if you know? A I do not know. I never have at heard of her since 1898.
Q Was it your understanding at the time you were living with her that she had a husband living ? A That's the way I understood it

Mr. Hastings: That's a little leading.
Mr. Rampenpahl: I know, and I will withdraw it if you desire.
Mr. Hastings: Let it go.
Mr. Rampenpahl: How long have you been living with your present wife ? A We have been living together ever since we were married.
Q How long has that been ? But the records will show that conclusively. A I guess between 14 and 15 years.
Q You were legally married to her ? A Yes sir.
Q By what laws, United States laws ?
A No, Cherokee law. Stephen Tehee married me; and he asked me if I had married the other woman, and I told him I hadn't, and he said that if I had married the other woman he couldn't marry me.
Q Why did you leave this woman Caroline ?
A She left me and took another man and went off, and I lived by myself for about one year before I married.
Q Did you go through any kind of formal ceremony when you took up with this woman Caroline ? A I did not.
Q Was there any agreement between you to live together as husband and wife ? A Not any contract.
Q Did you have a contract ? A No contract at all.
Q Did you have any contract at all ? A Didn't have no contract. Just run with her a while, and finally I just took up with her.
Examined by Mr. Hastings:
Q How long did you live with this woman; how many years ?
A I can't tell you exactly how long.
Q I didn't expect you to tell me within the minute, but I want you to tell me within two or three years.
A The nearest I can guess is probably 10 or 14 years.
Q Did you have some children by her ? A I did not.
Q She lived in the same house with you ? A Yes sir.
Q You treated her as wife and she treated you as husband ?
A Yes sir.
Q When you were before the Commission before you didn't have anything to say about her having lived with Tom Proctor did you ?
A They didn't give me a chance.
Q Where did Tom Proctor live ? How far from you ?
A Between 15 and 20 miles, now.
Q Sequoyah District ? A Yes sir.
Q How far did he live from you then ? A When?
Q When you were living with this woman ? A. He lived there about, I guess, 10 or 8 miles.
Q How far did he live from you when he lived with the woman ?
A I stayed within a half a mile of them.
Q How long did he live with her ? A I can't tell you because you see I left down there and used to live with a widow woman. I stayed with a widow woman there, Mrs. Thurston, and I went there before the old man died, and after he died I stayed there and made that my home.
Q You knew before that this woman lived with Tom Proctor ? You knew it when you took up with her ? A Yes sir.
Q Then you lived with her 10 or 14 years ? A. Yes sir, somewhere along there.
Q Did Tom Proctor have another wife ? A He didn't think.
Q Didn't he had one before that ? A No.
Q Did he have any children ? A No sir.
Q Did he have any children by this woman ? A No.

DANIEL HELT, being sworn and examined, testified as follows:

Examined by Mr. Rampenpahl:

Q What is your name ? A Daniel Helt.
Q What is your post office address ? A Long.
Q What is your age ? A I am 42 years old.
Q Are you a Cherokee Indian ? A Yes sir.
Q By blood ? A Yes sir.
Q Is your name upon the rolls ? A Yes sir.
Q I will get you to state whether or not you are acquainted with Mr. Robert Czarnikow ? A Yes sir, I know Robert Czarnikow.
Q How long have you been acquainted with him ? A Continually all my life you might say.
Q State whether or not you remember the time he lived with a woman by the name of Caroline ? A Yes sir.
Q Were you acquainted with this woman ? A Yes sir.
Q Do you know whether or not she had lived with any one prior to her taking up with Robert Czarnikow ? A She lived with a man by the name of Tom Proctor.
Q Did they live together as man and wife ? A Yes sir. According to the customs of the Cherokees at that time they lived together as man and wife.
Q Do you know about how long Proctor lived with this woman ?
A I should say about two or three years.
Q Are you acquainted with Robert Czarnikow's present wife ?
A Yes sir.
Q Do you know whether he was legally married to her or not ?
A I don't personally know it, but I have heard it said.
Q Do you know how long it has been since Robert Czarnikow has been living with his present wife Norah ? A No sir I do not. Eight or ten years though.
Q Was it generally understood at the time Proctor was living with this woman Caroline that they were man and wife according to the customs at that time ? A Yes sir.

Examined by Mr. Hastings:

Q When did Tom Proctor live with this woman; what years ?
A As near as I can recall, somewhere in 1871.
Q What other woman did Tom have at that time ? A I can't tell you
Q How far did you live from him ?
A I lived about three miles, I reckon.
Q Did he have another wife at the same time ? A Not as I knew of
Q Had he had one before that ? A Not as I knew of.
Q Do you know whether Tom was divorced from this woman ?
A No sir.
Q You don't know whether he ever went into court and got a divorce or she from him ? A No sir.
Q Did he have any children by this woman ? A No sir.
Q This woman lived with Robert Czarnikow for 10 or 12 years ?
A Yes sir.
Q He kept her and held her out as his wife ?
A Yes sir I reckon he did.
Q Was so generally recognized in the community ? A Yes sir.

Examined by Mr. Rampenpahl:

Q Do you know whether Robert Czarnikow held this woman out as his wife ? A I suppose he did.
Q Wasn't it common for people to live together that were not man and wife, and so considered ? A Yes sir, it was very common then, and it is common for my country now.
Q Did he ever tell you he was living with this woman Caroline as his wife ? A No sir.

Examined by Mr. Hastings:

Q Before this woman and Proctor quit living together, you thought he was living with this woman as his wife ? A Yes Sir.
Q You knew this man was living with the woman as his wife the same as you knew Proctor was ? A Yes sir.

The case is submitted to the Commission for final consideration by attorneys for both applicant and the Cherokee Nation; and the same is closed.

H. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he accurately recorded the testimony and proceedings had in the above styled cause, and that the above and foregoing is a true and accurate transcript of his stenographic notes thereof.

H C Bagwell

Subscribed and sworn to before me this 20 day of February 1908.

Commissioner.

Cherokee D 117.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Sept. 10, 1902.

In the matter of the application of Nora Czarnikow for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Charles, Joel B., George, Bula A., Maud, Nancy and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation.

Supplemental Proceedings.

Robert Czarnikow, being sworn, testified as follows:

By the Commission,

Q What is your name? A Robert Czarnikow.
Q How old are you? A I guess I am about between fifty and sixty. I can't tell exactly my age.
Q Where do you live? A Sequoyah District, Cherokee Nation.
Q Your wife and children have heretofore been listed for enrollment on a doubtful card? A Yes, sir.
Q You stated when you made application that the name of your youngest child living at that time was Nancy? A Yes, sir.
Q Is that the child's correct name? A That's what I give her name, yes, sir.
Q Is that her correct name? A That's the name at the time.
Q What's the child's correct name now? A Since we changed her name, Bertha, what we call her now, that same child.
Q That's the same child as Nancy, is it? A Yes, sir.
Q And you want it enrolled as Bertha instead of Nancy? A Yes, sir.
Q Is the child living? A Living. Yes, sir.
Q Now, who is the child just older than that one? A Older than that one?
Q Yes, sir. A Maudie.
Q That's her correct name? A Yes, Maudie, correct name.
Q Robert, Jr., has been born since that? A Yes, sir, 10th of January.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 10 day of September, 1902.

F. F. Rutter
Notary Public.

Motorcycle Patrol

Sept. 1, 1908.

Sept. 1, 1908. Patrolman Lewis ..... was ordered to police the ..... appearing and acting suspicious. Officer Lewis observed a man ..... and ordered him to halt. The man ..... ran toward the motorcycle. Officer Lewis ..... the man ..... a revolver ..... Officer Lewis ..... the man ..... Lewis ..... the man ..... Lewis ..... the man .....

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1908.

In the matter of the application of Nora Czarnikow for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her children, Charles, Joel B., George, Dula A., Mandie, Nancy and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation.

Supplemental to D-117.

Cherokee Nation appears by J. C. Starr.

NORA CZARNIKOW, being first duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Nora Czarnikow.
Q. How old are you? A. I will be 34 my next berthday in December.
Q. What is your post office? A. Nancy.
Q. You are a white woman, are you? A. Yes, sir.
Q. What is your husband's name? A. Robert Czarnikow.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Is he living? A. Yes, sir.
Q. When were you married to him? A. I was married to him in '87.
Q. Were you ever married before? A. No, sir.
Q. Was he ever married before? A. No, sir.
Q. You are his first wife then? A. I am his first lawful wife.
Q. You are his first lawful wife? A. Yes, sir; first wife.
Q. Did he ever live with any other woman? A. Not that I know of. I couldn't tell you.
Q. He is your first husband? A. Yes, sir; he is my first husband.
Q. You were married in '87? A. '87.
Q. Have you been living with your husband since '87?
A. Yes, sir.
Q. Never separated? A. No, sir.
Q. You were living together on the first day of last September?
A. Yes, sir.
Q. How many children have you? A. Got seven.
Q. Are they all living with you? A. Yes, sir; I have got seven living with me.
Q. Have you a child named Maud or Mandie? A. Mandie.
Q. Is your husband here? A. Yes, sir.

ROBERT CZARNIKOW, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Robert Czarnikow.
Q. Are you the husband of Nora Czarnikow? A. Yes, sir.
Q. When were you married to her? A. Married in '87.
Q. Were you ever married before you married Nora? A. No.
Q. Is Nora your first wife? A. No, not first wife. My woman, she was dead.
Q. You were married before? A. Yes, sir.
Q. What was the name of your first wife? A. Proster.
Q. White woman or Cherokee? A. Cherokee.
Q. When did you marry her? A. Along in '94 or 5.
Q. When did she die? A. She died I think sometime--I couldn't just exactly tell you when she died.

Q. How long before 1887 was it? A. Why, it was quite a while.
Q. How long have you lived in the Cherokee Nation? A. All my life; I was born and raised right there.
Q. Have you and your wife Nora lived together ever since you were married to her? A. Yes, sir.

Examination by Mr. Starr.

Q. Your first wife was alive when you married this woman, wasn't she? A. No, she wasn't. She died right smart before that.
Q. How long before you married Nora? A. I couldn't just exactly tell you.
Q. Where did she die? A. She died on Leaf creek.
Q. Did you ever live with any other woman as your wife except these two? A. Yes, sir. I stayed with another woman after that.
Q. Who was that? A. A woman by the name of Caroline.
Q. Was she alive when you married Nora? A. Yes, sir.
Q. Did you have any divorce? A. I didn't need any divorce; hadn't been married to her. Just took up together.
Q. She is on the eighty roll with you as your wife? A. I suppose so.

Examination by the Commission.

Q. How long did you live with that woman? A. I couldn't tell you. I never got no education.
Q. Was it two or three years? A. Longer than that.
Q. Several years? A. Yes, sir.
Q. Was it after the death of your first wife that you took up with this woman? A. No. I don't know whether she was dead or alive. The first woman--I had one child.
Q. Did you have a child by this woman you took up with?
A. No. My boy got killed in '85, I think.
Q. When did you and this woman quit living together? A. I believe she went off in '86, I think; as near as I can remember.
Q. Did you hold her out as your wife? A. No. I held her out just like the rest of the boys.
Q. Do you know whether she went by your name? A. She didn't go by that name only on that eighty roll.
Q. Did she go by your name very much? A. No.
Q. People called her by your name? A. No.

BY MR. STARR:
Q. What did they call her? A. Just called her Caroline.

BY THE COMMISSION:
Q. Where is she now? A. I couldn't tell you where she is. She went off, I think in '86, and went off with another man.
Q. Took up with another man? A. Yes, sir. And he died. I don't know where she is at now. I believe George Riley, I think, is the name of the man she took up with.
Q. What was your intention in taking up with her, to make her your wife? A. No, just wanted to keep her like the rest of the boys.
Q. Did she consider you her husband? A. I don't know whether she did or not.

Examination by Mr. Starr.

Q. What did you say was the name of your first wife? A. She was a Foreter.
Q. What was her first name? A. I couldn't tell you. The Cherokee name is all the name I know. I didn't talk English then. I just learned it here lately.

Q. Did you live with her until she died? A. No, sir; I didn't.
Q. How long did you live with her? A. 2 or 3, maybe 2 years. I can't tell you. It has been a good while ago. I don't remember like I used to anyway.
Q. When did she die? A. That is what I told you, I don't recollect when she died, what year.
Q. This second woman, what was her name? A. I told you, Caroline.
Q. That is the one you took up with? A. Yes, sir.
Q. That is the one that is on the eighty roll as your wife. After you separated from her you married Nora? A. Yes, sir.
Q. And was Caroline alive when you married Nora?
A. Yes, sir.
Q. Were you ever divorced? A. No, sir; didn't need any.

Examination by the Commission.

Q. That first wife wasn't dead when you married Nina Nora?
A. Yes, sir.
Q. When did she die? Before you married Nora? A. Oh, yes; she died right smart before that.

||||||||||||||||||||||||||||||||||||||||||||||||||||

James C. Carr, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this .... day of December, 1906.

C. C. Jones
Notary Public.

Cherokee Nation,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Noel R., George, Hula A., Wanda, Martha and Robert Guardian Boy Jr., as citizens by blood of the Cherokee Nation, and for the enrollment of Rose Guardian as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 21, 1906, Robert Guardian appeared before the Commission to Indian Territory, and made personal application for the enrollment of his minor children, Charles, Noel R., George, Hula A., Wanda and Martha Guardian, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Rose Guardian, as a citizen by intermarriage of the Cherokee Nation. The application also indicates that he was married and as he is currently classified he is not included in his decision. Thereafter, on February 28, 1908, September 10, 1908, and October 9, 1908, further proceedings in the matter of said application were had at Muskogee, Indian Territory. Application was also made by the father of the applicants on behalf of the name of Nancy Ann Guardian, and that she be listed for enrollment under that name. On March 9, 1908, a birth affidavit was filed showing that Robert Guardian was the father subsequent to the date of the original application.

It appears from the evidence that on August 21, 1897, Rose Guardian, a white woman, was legally married to Robert Guardian, a citizen by blood of the Cherokee Nation, who is duly identified on the Cherokee Authenticated Tribal Roll as a native Cherokee.

It appears further from the evidence that the said Robert Guardian, prior to his marriage to his wife, Rose, had lived with a woman by the name of Caroline for the period of twelve years and the living with her in 1897, and she is identified on the Cherokee Authenticated Tribal Roll of 1896 as Caroline Guardian.

[illegible] that prior to the time Robert Guardian [illegible] Caroline, the [illegible] that the [illegible]

POOR ORIGINAL
BEST AVAILABLE

Warren to Robert Charrikow, in compliance with the law regulating marriages, but that at the time of the marriage of said Robert Charrikow and the applicant, Sarah Charrikow, there was no legal impediment to such marriage.

Section nineteen of article nineteen of the compiled laws of the Cherokee Nation (1875), provides:

"Marriages may be solemnized by any of the judges of the courts of this nation, or by the clerks of the several districts, or by any ordained minister of the Gospel in regular communion with any religious society. And any marriage contracted in writing in the presence of two or more attesting witnesses, who shall sign the marriage contract as such, shall be lawful."

The Supreme Court of the Cherokee Nation in case in the matter of Lydia Foster vs. John Foster, among other things, says:

"Whatever may have been the custom among the Cherokees, the law of 1875 regarding marriage, like all general laws, applies to all classes of Cherokee citizens and recognizes and sanctions marriages. Cohabiting for any period does not under the laws of the Cherokee Nation constitute marriage, but the law in consideration of the offspring of such cohabitation provides for the legitimacy of such children by the lawful marriage of the parents."

The applicants, Charles, Joel B., George, Lula A., Martha Bertha and Robert Jr., are the children of the said Robert Charrikow and his wife, Sarah Charrikow. The first five of these children named are identified on the Cherokee census roll of 1896, but the other two were too young to be there enrolled, but both are fully identified by proper affidavits made a part of the record herein.

The evidence shows that the applicant, Sarah Charrikow, lived with her husband, Robert Charrikow, in the Cherokee Nation and openly acknowledged their marriage, and to our knowledge, belief and that the children, the other applicants herein, were recognized by their parents since their birth, as with Cherokee Indians.

It is, therefore, the opinion of this Commission that Sarah Charrikow should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Charles, Joel B., George, Lula A., Martha Bertha and Robert Charrikow Jr., should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 1 1905

POOR ORIGINAL
BEST AVAILABLE

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF NORA CZARNIKOW FOR ENROLLMENT OF HERSELF AS A CITIZEN BY INTER-MARRIAGE OF THE CHEROKEE NATION.

Cherokee D-117

PROTEST OF THE CHEROKEE NATION------

Comes now the Cherokee Nation and respectfully protests against that part of the decision of the Commission rendered February 2nd., 1903 in the above case, which decides that Nora Czarnikow should be enrolled as a citizen by inter-marriage, and asks that the same be forwarded to the Secretary of the Interior for review.

The testimony in this case shows that the husband of the applicant is a Cherokee by blood; that prior to 1880 he was living with one Caroline as his wife, and held her out to the community as his wife; that they lived with her some thirteen or fourteen years; that they always treated each other as husband and wife; that they were so recognized in the community, and the name of the said Caroline Czarnikow appears with that of her husband, Robert Czarnikow, on the 1880 roll, as his wife.

It seems that the applicant's husband, the said Robert Czarnikow, when he first appeared before the Commission on August 14th., 1902, did not at that time seek to deny the relationship with Caroline, and when asked:

"Q:- What was your wife's name?" he said
"A:- Caroline.
"Q:- She was enrolled in 1880 as your wife wasn't she?
"A:- Yes.
"Q:- How long did you live together?
"A:- I can't tell you---between 15 and 16 years.
"Q:- You held her out to the world as your wife, didn't you?
"A:- Yes sir.
"Q:- Everybody recognized you in the community in which you lived as man and wife?
"A:- They certainly did.
"Q:- And you never got a divorce from her?
"A:- No sir".

During the examination Mr. Czarnikow was not put upon his guard by any attorney or counsel employed, nor did he know what would be the ruling of the Commission in his case, and no effort at concealment was made by him of the true facts in the case. This woman, Caroline, was recognized by him for fifteen or sixteen years as his wife, and these marriages were recognized by Indian Law and custom prior to the Code of 1875. The Cherokee Law of 1875, Section 95, Page 230, provides:

> "No particular form of marriage
> "shall be required in the solemnization
> "of marriages, except that the parties
> "shall solemnly declare in the presence
> "of the judge, clerk or minister offic-
> "iating, or the attending witnesses,
> "that they take each other as husband
> "and wife".

Now, it is admitted by Robert Czarnikow that they held each other out as husband and wife; that they were so recognized by all of the neighbors in the community in which they lived, and when the census takers came around in 1880, Robert Czarnikow at the head of the family, further attested in the presence of those two witnesses that Caroline was his wife, and gave her name to them as his wife.

Again, the Act of Congress, approved June 28th., 1898, Section 21, confirms the 1880 roll, and we contend affirms the status of the people upon said roll as well, and directs the Commission:

> "To enroll all persons now liv-
> "ing whose names are found on said roll".

Now, it makes no difference whether Caroline was married to Robert Czarnikow or not. Under this Act of Congress that marriage was legalized, and if she appeared before the Commission for enrollment, the Commission under the clause above quoted, would be compelled to enroll her, whether there had been any legal ceremony performed uniting them in the Holy bonds of matrimony or not. In other words, the Cherokee Nation contends that the Curtis Bill confirmed the 1880 roll, fixed the status of the persons whose names were found thereon; found that Caroline was the wife of Robert Czarnikow, and she would be entitled as a citizen by inter-marriage to enrollment if she were living at the present time within the limits of the Cherokee Nation, and hadn't since forfeited her rights to be enrolled, because she was enrolled with him as his wife at that time; and we contend that the said Robert Czarnikow could not under the Cherokee Law confer citizenship upon a second white woman before being divorced from the one of whom he at first conferred citizenship.

Respectfully submitted,

W. W. Hastings,

Attorney for the Cherokee Nation.

(COPY)

Cherokee D-117

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Robert Czarnikow for the enrollment of his minor children, Charles, Joel R., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood, and for the enrollment of his wife, Lura Czarnikow, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. L-1524

(COPY)

Cherokee D-117

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation/

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior for review, a the record of proceedings had in the matter of the application of Robert Czarnikow for the enrollment of his wife, Nora, as a citizen by intermarriage, and for the enrollment of his seven minor children, Charles, Joel B., George, Sula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Acting Chairman.

(COPY)

Cherokee D-117

Muskogee, Indian Territory, February 18, 1903.

Robert Czarnikow,

Remy, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of your wife, Nora, as a citizen by intermarriage, and for the enrollment of your seven minor children, Charles, Joel R., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation.

There has this day been forwarded your attorney, W. M. Rampendahl, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Acting Chairman.

Res. M-100

Register.

(COPY)

Cherokee D-117

Muskogee, Indian Territory, February 18, 1903.

W. M. Rampendahl,

Attorney for Nora Czarnikow, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Robert Czarnikow for the enrollment of his wife, Nora, as a citizen by intermarriage, and for the enrollment of his seven minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the actiong of the Commission in this case, a copy of this protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-2100

Register.

(COPY)

Cherokee D-117

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert Czarnikow for the enrollment of his wife, Nora, as a citizen by intermarriage, and for the enrollment of his seven minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow Jr., as citizens by blood of the Cherokee Nation, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-3100

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:
Land,12836-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith a report from the Commission to the Five Civilized Tribes, dated February 16, 1903, transmitting record relative to the application of Robert Czarinkow for the enrollment of himself and minor children-Charles, Joel B., George, Bula A., Mandie and Bertha Czarinkow, as citizens by blood, and for the enrollment of his wife Nora Czarinkow as a citizen by intermarriage of the Cherokee Nation.

February 2, 1903, the Commission held that all of the applicants, including Robert Czarinkow Jr., except the principal applicant, Robert Czarinkow, were entitled to enrollment as citizens of the Cherokee Nation, Nora Czarinkow as a citizen by marriage; and the others as citizens by blood.

In the Commission's decision it is stated that the principal applicant is differently classified and that he is not included in its decision.

Among the papers is a birth certificate which shows that Robert Czarinkow, Jr., was born January 20, 1902, which was subsequent to the date of the original application.

The applicant Bertha also shows in the record under the

name of Nancy. The record shows that the father of this applicant desires that she be enrolled under the name of Bertha. The name of the principal applicant, Robert Czarinkow, appears on the 1880 roll as a native Cherokee. The record shows that the principal applicant, prior to his marriage with his wife Nora August 27, 1887, lived with a woman by the name of Caroline for ten or twelve years; that he was living with her in 1880; and that she is identified by the 1880 roll as Caroline Czarinkow. It further shows that Caroline, prior to the time she lived with the principal applicant, lived with a man by the name of Proctor, but it does not appear that she was married to Proctor nor that she was married to the principal applicant.

The Commission in its decision quotes from the decision of the Supreme Court of the Cherokee Nation in the case of Lydia Teehee vs. John Teehee, as follows:

> "Whatever may have been the custom among the Cherokees, the law of 1878 regarding marriage, like all general laws, applies to all classes of Cherokee citizens and superceded and annuls customs. Co-habiting for any period does not under the laws of the Cherokee Nation constitute marriage, but the law in consideration of the offspring of such co-habitation provides for the legitimacy of such children by the lawful marriage of the patent

The Cherokee Nation protests against the enrollment of these applicants, taking the ground that Caroline Czarinkow is the lawful wife of rincipal applicant, Robert Czarinkow. The Cherokee laws, edition of 1875, page 230, provides that "no particular form of marriage shall be required in a solemnization of

of marriages, except that the parties shall solemnly declare in the presence of the Judge, Clerk, or Minister officiating, or the attending witnesses, that they take each other as husband and wife."

The principal admits that he recognized Caroline as his first wife and that he was not divorced from her at the time he married his present wife Nora. Under the holding of the Supreme Court of the Cherokee Nation in the Teehee case, Caroline was not the lawful wife of the principal applicant, and under that doctrine these minor applicants are entitled to enrollment as citizens by blood of the Cherokee Nation, the father being a native Cherokee. They are also entitled to enrollment under the Department's holding of November 22, 1902, (ITD. 5039-5043), in the Nancy Ray case.

It is therefore recommended that that part of the Commission's decision which declares that minor applicants Charles, Joel B., George, Dula A., Maudie, Bertha and Robert Czarinkow, Jr., are entitled to enrollment, be approved.

Attention is respectfully invited to Department letter of July 27, 1908, (I.T.D. 5816).

Very respectfully,

Commissioner.

6[illegible]-R.

D.C.,21622-1903.

72771 J.W.H.
WHE.

ITD 6482-1903.

DEPARTMENT OF THE INTERIOR

WASHINGTON. November 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record of proceedings had in the matter of the application of Robert Czarinkow (Cherokee D-117), for the enrollment of his wife, Nora Czarinkow, as a citizen by intermarriage, and for the enrollment of his seven minor children, Charles, Joel B., George, Bula A., Mandie, Bertha, and Robert Czarinkow Jr., as citizens by blood of the Cherokee Nation, including your decision of February 2, 1903, granting said application.

The record shows that Robert Czarinkow is a Cherokee by blood, and was born in the Cherokee Nation, where he has resided all his life. In 1887 he was married to Nora Cheristine (or Castaine). Prior to his said marriage with Nora, Robert Czarinkow cohabited for a number of years with a woman by the name of Caroline, and was living with her in 1880, at which time she was identified on the Cherokee authenticated tribal roll of 1880 as Carolin Czarinkow. It further appears that Caroline, prior to the time that she lived with Robert Czarinkow, lived with a man by the name of Proctor. The record does not show, however that she was ever

married to proctor or to Czarinkow, in accordance with the laws of the Cherokee Nation.

It further appears that the name of Robert Czarinkow is found on the 1880 Cherokee census roll. Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarinkow Jr., are the children of Robert and Nora Czarinkow. The first five of them are identified on the Cherokee census roll of 1896; the other two are too young to be borne upon any roll, but are duly identified by birth affidavits, which constitute a part of the record in the case. It further appears that these children have resided in the Cherokee Nation all their lives.

You therefore conclude that Nora Czarinkow is entitled to enrollment as a citizen of said Nation by intermarriage, and that said children are entitled to enrollment as citizens by blood, in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats.,495). You state that the father of this family, Robert Czarinkow, is differently classified and that he is not included in this decision.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs recommended that your decision action be approved as to those applicants who claim by blood.

The Department concurs in the Commissioner's recommendation as to said applicants, and your decision is accordingly affirmed.

The attorney for the Cherokee Nation protests against the enrollment of Nora Czarinkow. As to her, no decision will be rendered at this time. Her children, by Robert Czarinkow, are entitled to enrollment whether or not she is his lawful wife. That

they are so entitled, see departmental decision of November 28, 1902, in the Henry Ray case.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Cherokee D-117

Muskogee, Indian Territory, November 19, 1903.

Nora Czarnikow,

Remy, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for your enrollment as a citizen by intermarriage and for the enrollment of your minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except yourself, on November 9, 1903.

Respectfully,

Tams Bixby,

Chairman.

(COPY)

Cherokee D-117.

Muskogee, Indian Territory, November 19, 1903.

W. M. Rampendahl,

Attorney for Nora Czarnikow et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nora Czarnikow as a citizen by intermarriage and for the enrollment of her minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nora Czarnikow, on November 9, 1903.

Respectfully,

Tams Bixby,

Chairman.

COPY

Cherokee D-117

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequan, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Nora Czarnikow as a citizen by intermarriage and for the enrollment of her minor children, Charles, Joel B., George, Bula A., Maudie, Bertha and Robert Czarnikow, Jr., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except Nora Czarnikow, on November 9, 1903.

Respectfully,

Tams Bixby,

Chairman.

Cher 10359
Annie Caldwell
Trans. from D1021

Cher 10359

[redacted]

[redacted]

[redacted]

Nov. 22, 1906, License issued to Gus Caldwell aged 22 to be married Annie Caldwell, nee Setzer aged 20 issued on the above date.

I hereby certify that I have this day joined in the Holy Bonds of matrimony Gus Caldwell and Annie Caldwell, this Nov. 22d, 1906.

Jerr Roberson

Judge Tahlequah Dist. C.N.

The above is a true copy of the original.

Arch Somers

Deputy Clerk,

Tah. Dist. C.N.

Recording Department,

Cherokee Nation,

Tahlequah, Ind.Ter.

I hereby certify the above is a true and corr ct copy as shown by the marriage Record of Tahlequah District, now on file in this office and in my legal custody.

This July 1st, 1908.

J. T. Parker

Executive Secretary

An Act providing for the taking of the Census of the Cherokee Nation.

Whereas the Cherokee National Council has accepted and ratified the amendments of the Cherokee Agreement for the relinquishment of their title to their lands west of the ninety ninth degree of west longitude, and, whereas, the proceeds arising from the said sale will be paid out to the Cherokee people; Therefore,

Be it enacted by the National Council: That the Principal Chief be and he is hereby authorized to appoint the competent persons for each of the following districts:- Delaware, Illinois, Flint, Saline, Sequoyah and Cooweescoowee; six for Cooweescoowee and four for Delaware and four for Tahlequah. One half of the number of persons so appointed shall be able to correctly speak the English language and write English in a plain legible hand and the remainder of the persons so appointed shall be able to be correctly speak and understand the Cherokee and English languages, who shall have been bona fide resident citizens of the district from which they may be appointed for at least ten years prior to their appointment for the purpose of taking the census of their respective districts in the manner hereinafter defined.

Sec. 2.

Be it further enacted; That it shall be the duty of the Principal Chief to divide the census takers in Cooweescoowee, Delaware and Tahlequah Districts into Boards of two members each and assign the work of taking the census as follows; in Cooweescoowee to the first board of census takers shall be assigned the precincts as follows, Riverside, Chelsea, Dwyer Creek, Adair, Vinita and Inguru; to the second board shall be assigned, Chelsea Cherokee, Oologah, Claremore and Silver Lake; and to the third member and last board shall be assigned Talala, Lenapah, Cody's Bluff, Scraper-Creek, and Parker or Brush Creek. To the Board so assigned for Delaware District the first shall be assigned all the precincts lying east of Grand River and to the second board shall be assigned all the precincts lying west of Grand River. To the Board so assigned for Tahlequah District the

first shall be assigned to the Spring, Tahlequah and Menard precincts; the second board shall be assigned to Sequoyah, Blue Springs, Peggs Prairie and Kenlechee precincts.

Section 2/

Be it further enacted; That it shall be the duty of the census takers to make full, complete and and correct returns of all citizens found residing within the limits of their respective districts, at the time of making the enumeration, giving the name, age sex and nationality.

Section 3.

Be it further enacted; That the census takers provided for above shall before entering upon the discharge of their duties as authorized and required, each subscribe to an oath, to fully, impartially and correctly perform the same as hereinafter defined.

Section 3.

Be it further enacted; That said census shall be taken upon ruled blanks census rolls furnished by the Principal Chief for such purposes, one for Cherokee citizens by blood, one for Delawares, one for Shawnees, one for Creeks, one for adopted whites, and one for the Freedmen; all to be taken separately on separate blanks giving the sex and age of each individual person.

Section 4.

Be it further enacted: That the Board of census takers shall sit at each precinct in their several districts three days or so many thereof as may be necessary for the purpose of taking the said census and when their duties shall have been completed at one precinct, they shall proceed without delay to the next and so continue until the census has been completed They shall be allowed one day to travel from one precinct to another, and shall be allowed the same time as the members of the National Council from the several districts in coming after and returning the census rolls. They shall give notice of such

sitting by publication in the papers of the Cherokee Nation and by posting written or printed notices at each precinct, for at least one week prior to the said sitting, and at said sitting the Board of census takers shall qualify all persons registered as citizens of the Cherokee Nation as to the number of their families, age sex etc. They shall also take evidence as to the correctness of the statement of the person so registered.

Section 7.

Be it further enacted: That before the said census rolls shall be completed and accepted, they shall be passed upon by the National Council in the following manner; There shall be appointed nine special Committees, composed of the two members from the Senate and all the members from the Lower House from each district, whose duty it shall be to carefully examine the census rolls of the enumeration of their respective Districts and pass upon each and every name appearing upon the citizen roll. The name of any person appearing thereon, whom they may know to be or have good and sufficient reason to believe to be a non-citizen and not entitled to appear upon such census roll, shall be stricken out with red ink, and the word " non-citizen", entered in red ink in the margin of remark opposite the name and such person so declared to be a non-citizen shall be paced upon the proper roll prepared for that purpose. They name of any person who shall have been paced upon the non-citizen rolls by the Solicitors of the several districts but who may be declared to be a bona fide Cherokee citizen by such Committee and all persons known to be bona fide Cherokee citizens who have been inadvertently omitted to be enrolled by the census takers, shall be added to the citizen census roll aforesaid; and all persons so wrongfully enrolled on non-citizen rolls [illegible] shall be with red ink stricken from the non-citizen roll with proper entry under the head of remarks opposite such name.

Section 8.

Be it further enacted: That the said census rolls after they

have been fully examined and the necessary corrections shall have been made as hereinbefore provided, shall be signed in approval by the respective committees and accepted by the National Council and shall be deemed and taken as the authenticated census rolls of the Cherokee Nation. And it shall be the duty of the Principal Chief to assign one or more of his Executive Secretaries to make copies of the said rolls in alphabetical order of all on the citizen rolls to be used by the Treasurer as pay rolls. And the Principal Chief is hereby authorized to certify to the said census rolls under the seal of the Cherokee Nation.

Section 9.

Be it further enacted; That the census takers so appointed shall receive three and one half dollars per diem for their actual time of service and the Principal Chief is hereby authorized and directed to draw his warrants for the same, upon the certificates of at least two members of said Board of census takers and an amount sufficient to carry into effect this provision of the Act is hereby appropriated out of any money in the Treasury belonging to the General Fund, not otherwise appropriated.

Section 10.

Be it further enacted; That the sum of five hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the Treasury belonging to the General Fund, not otherwise appropriated to pay for the printing of the blank census rolls to be furnished to the census takers of the several districts and the Principal Chief is hereby authorized and directed to draw his warrants for the same.

Section 11.

Be it further enacted; That the Clerks of the several districts are hereby authorized and directed to report to the Principal Chief on or before June 30th., 1880 all permitted persons in their several districts.

Section 12.

Be it further enacted; That the Principal Chief is hereby

the Solicitors of the several Districts blank rolls on which shall be enrolled all persons who are declared to be intruders or unauthorized persons. The persons shallbe enrolled as follows; 1st. names; 2d. Race or nationality:
3d. Occupation: 4th., Age; 5th., Sex; 6th., Number of improvements claimed or held and by whom occupied, such persons so enrolled giving year of occupancy; 7th., Number of acres inclosed or in cultivation;8th., Number in family.

Section 13.

Be it further enacted; That the Solicitors of the several districts be and they are hereby directed to report within ten days after the census takers are required to make their report all persons who are intruders or unauthorized persons in their respective districts and the Principal Chief is hereby authorized to appoint one person each, Cooweescoowee, Delaware, Illinois, Sequoyah, and Tahlequah Districts, who shall assist the Solicitors of these districts in reporting all such persons. The said persons appointed by the Principal Chief shall receive One hundred dollars each and there is hereby appropriated for that purpose out of any money in the Treasury, belonging to the General fund and not otherwise appropriated the sum of Five hundred dollars and the Principal Chief is authorized to draw his warrants accordingly.

Section 14.

Be it further enacted; That if any Solicitor refuses or fails to perform the duties as herein provided the Principal Chief is hereby authorized to suspend said Solicitor from

office.

Passed the Senate April 13th. 1893.

J.L. Thompson — T.M. Buffington

Clerk of Senate. — Pres. of Senate.

Concurred in by Council April 14th. 1893

W.G. Fields — G.W. Clark

Clerk of Council — Speaker of Council

Approved April 15th., 1893

C.J. Harris, Principal Chief.

Executive Department,

Cherokee Nation.

Tahlequah Indian Ter.

I hereby certify that the above and foregoing five and a half pages of type written matter is a true copy as the same appears upon the records now in this office and of which I am in legal custody.

Given from under my hand and seal of office on this the 30th., day of June 1902

J. T. Parks

Executive Secretary.

Executive Department,
Cherokee Nation.
Tahlequah, Ind. Ter.

I hereby certify that the records of this office show that Cole Starr and Ed Greene, as Members of Tahlequah District, and Daniel Gritts, Tom Shade, John R. Scott, Noah Mason and John Hendricks as members of the Council of Tahlequah District participated in the deliberations of the National Council convened on the 20th., day of March 1893 and adjourned April 1893 and that said record is on file in this office and in my legal custody.

Given from under my hand and seal of office on this the 1st. day of July 1898.

J. T. Parker
Executive Secretary.

1

1 1021

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS.
FILED
FEB 1 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BROCKUNIER

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RESPONSE TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Mr. Guss Caldwell,

Gideon, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and four minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are requireste supply the Commission with your Cherokee marriage license and certificate; also certificate showing the readmission of your wife Annie to Cherokee citizenship required.

CherokeeD-1021
Register.

Yours truly,

[redacted]

Commissioner in Charge.

C O P Y.

In reply refer to Cherokee D 1021.

Muskogee, Indian Territory, June 20, 1902.

Guss Caldwell, Esq.,

Gideon, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife and children as citizens by blood of said Nation, you are advised that it is necessary, for the proper consideration of these cases, that you submit to this Commission additional testimony, to-wit: a certified copy of an Act of the National Council of the Cherokee Nation, approved April 15, 1893, under which the names of your wife, Annie M. Caldwell, and your children, Isaac E. and Elsie F. Caldwell, were added to the Census Roll of the Tahlequah District in said Nation, by the Joint Committee of said Council, as citizens of said District; also a certified copy of the admission of your wife to citizenship by the tribal authorities of the Cherokee Nation prior to her marriage.

This testimony must be furnished on or before July 7, 1902.

Yours truly,

Commissioner in Charge.

Register.

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, September 11, 1902.

Gus Caldwell,

Gideon, Indian Territory.

Dear Sir:-

You are hereby directed to appear before the Commission to the Five Civilized Tribes, at Tahlequah, Indian Territory, within fifteen days from date hereof and introduce testimony as to the admission of your wife, Annie Caldwell, to citizenship in the Cherokee Nation.

Yours truly,

Acting Chairman.

C O P Y.

Cherokee D-1021.

Muskogee, Indian Territory, September 11, 1902.

G. W. Benge,

Attorney for Guss Caldwell, et al.,

Tahlequah, Indian Territory.

Dear Sir:-

You are hereby notified that Guss Caldwell has this day been directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and introduce testimony as to the admission of his wife, Annie Caldwell, as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

Certified Copy

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, September 11, 1902.

John O. Beeson,

Tahlequah, Indian Territory.

Dear Sir:-

You are hereby notified that Guss Caldwell has this day been directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and introduce testimony as to the admission of his wife, Annie Caldwell, as a citizen of the Cherokee Nation.

Yours truly,

Acting Chairman.

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac E., Elsie Ex F., Francis A. and Tula Caldwell, as citizens by blood, of the Cherokee Nation, including the Commission's decision, dated March 2, 1903, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 13.

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Guss Caldwell for the enrollment of his wife self as a citizen by intermarriage, for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac E., Elsie F., Francis A. and Tula Caldwell, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary, will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Enclosure E. No. 12.

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

G. W. Benge,

Attorney for Guss Caldwell, et al.,

Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Guss Caldwell for the enrollment of himself as a citizen by intermarriage for the enrollment of his wife, Annie Caldwell, and his four minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood, of the Cherokee Nation, together with a copy of the Commission's decision, dated March 2, 1903, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Register.
Enclosure H. No. 11.

C O P Y.

Cherokee D 1021.

Muskogee, Indian Territory, March 14, 1903.

Guss Caldwell,

Gideon, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for the enrollment of yourself as a citizen by intermarriage, for the enrollment of your wife, Annie Caldwell, and your four minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell as citizens by blood of the Cherokee Nation. There has heretofore been furnished your Attorney, G. W. Benge, Tahlequah, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Register.
Enclosure R. No. 10.

Refer in reply
to the following:
Land:17979-1903,
66143-1903,
66145-1903.

Copy.

Department of the Interior,

Office of Indian Affairs.

Washington, October 29,1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of October 13,1903, (I.T.D.8263 and 8685), there is enclosed herewith report relative to the application of Guss Caldwell for enrollment as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac N., Elsie F., Francis A. and Tula Caldwell asciticens by blood of the Cherokee Nation.

March 2,1903, the Commission held that the names of Annie, Isaac N., Elsie F. and Francis A. Caldwell were upon the 1894 and 1896 rolls without authority of law; that the name of Guss Caldwell was on the 1896 roll without authority of law, and that the applications for the enrollment of these people should be denied.

The record in this case shows that Guss Caldwell was lawfully married to his wife, Annie Caldwell, nee Setzer, in accordance with the laws of the Cherokee Nation, November 23,1893. He claims his right to enrollment as an intermarried citizen by virtue of said marriage. He is identified by the 1896 roll. Annie Caldwell, Isaac N., and Elsie F. Caldwell are identified by the 1894 strip payment roll. Annie Caldwell and the two children last mentioned are also identified by the 1896 Choctaw roll. The other minor

applicants are properly identified by birth affidavits.

It appears from the record that Martha Setser, mother of Annie Caldwell, was admitted to citizenship in the Cherokee Nation by the tribal authorities, July 30,1888, and that Annie Caldwell was more than 21 years of age at that time. The Commission says in its decision that it does not appear that these applicants have been admitted to citizenship by the tribal authorities, the Commission or the court.

The record shows, however, that the names of Annie, Isaac N. and Elsie F. Caldwell were added to the Cherokee strip payment roll of 1884 by the joint committee appointed under the act of the National Council approved, April 15,1893.

October 13th, the Department referred to this office for consideration in connection with this case a supplemental brief filed by the Cherokee Nation, in which the position is taken that these applicants are not entitled to enrollment. On the same date the Department forwarded to the office a brief filed by the attorneys for the applicants, Kimball and White, in which the position is taken that the applicants are entitled to enrollment.

In view of the Department's holding of June 10,1903 (7) (I.T.D.3386) in the Martha Hill case, the office does not consider it necessary to enter into any discussion of these briefs. The name of the principal applicant for enrollment is a citizen by blood, and the names of her two older minor children are found on the 1894 roll. Under the Department's decision in the Hill case those who apply for enrollment as citizens by blood are

entitled to enrollment.

It is therefore respectfully recommended that the opinion of the Commission be not approved, and that it be directed to enroll applicants Annie, Isaac N., Essie F., Francis A. and Tula Caldwell as citizens by blood of the Cherokee Nation, and that the right of applicant Sam Caldwell to enrollment as an intermarried citizen be not passed upon until such time as the Court of Claims shall have made findings and rendered an opinion upon the questions submitted to it, February 26th last.

Very respectfully,

W.A. Jones,

Commissioner.

AHM-606

DC-51716-1903

DEPARTMENT OF THE INTERIOR. J.P.
W.H.R.

ITD 7736-1903. Washington, November 12,1903.

L.R.S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Guss Caldwell, as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Annie Caldwell, and their minor children, Isaac N., Elsie F., Francis A. and Tula Caldwell, as citizens by blood of said Nation, received with your letter of March 14,1903, and the Commissioner of Indian Affairs' letter of October 29,1903.

It appears that Guss Caldwell, a white man, was married in Alabama in 1889, to Annie Setser, a Cherokee by blood, who was born in North Carolina in 1866, and that in 1890 they were married under Cherokee law, having settled in the Cherokee Nation in 1888, where they have with their children continuously resided.

It is shown that Martha Setser, the mother of Annie Caldwell, was readmitted to citizenship in the Cherokee Nation by tribal authorities on July 30,1896, and that at that time Annie Caldwell was twenty-three years of age.

The Nation, through its attorney, contends that as Annie Caldwell was not at that time a minor, the admission of her mother would be of no benefit to her; that the fact that her mother was readmitted emphasizes the contention of the Nation that it was necessary for her to have been readmitted to citizenship therein

that as the principal applicant was born in North Carolina, upon her removal to the Cherokee Nation it was necessary for her to be readmitted to citizenship "in accordance with the constitution and laws thereof," and having not been so readmitted, none of the applicants are entitled to enrollment.

You rendered your decision March 2,1903, holding that the names of Annie Caldwell, Isaac N. Caldwell, Elsie F. Caldwell and Francis A. Caldwell are upon the 1896 and 1894 rolls without authority of law; that the name of Guss Caldwell is also upon the 1896 roll without authority of law, and that the application for enrollment should be rejected as to all the applicants.

The Commissioner of Indian Affairs referring to departmental decision of June 10,1903, in the Cherokee case of Martha Hill, et al recommends that your decision be reversed as to all the applicants except Guss Caldwell, and that as to him a decision be not rendered at this time in view of the submission to the Court of Claims of February 24,1903, of the question involving the right of intermarried persons in the Cherokee Nation.

The Department considers the position taken by it in the Hill case applicable to the present case, and hereby reverses your decision as to all the applicants except Guss Caldwell. Action in regard to him will be suspended.

A copy of the Commissioner of Indian Affairs' letter is inclosed.

Respectfully,

Thos Ryan.
Acting Secretary.

1 inclosure.

C O P Y.

Cherokee D-1021.

Muskogee, Indian Territory, November 19, 1903.

Gus Caldwell,

Gideon, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your wife, Annie Caldwell, and your minor children, Isaac N., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except yourself, on November 12, 1903.

Respectfully,

Tams Bixby

Chairman.

C O P Y.

Cherokee D-1021.

Muskogee, Indian Territory, November 19, 1903.

G. W. Benge,

Attorney for Guss Caldwell, et al.,

Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of Guss Caldwell as a citizen by intermarriage and for the enrollment of his wife, Annie Caldwell, and his minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except Guss Caldwell, on November 12, 1903.

Respectfully,

Tams Bixby,

Chairman.

C O P Y.

Cherokee D-1021.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision dated March 2, 1903, rejecting the application for the enrollment of Guss Caldwell as a citizen by intermarriage and for the enrollment of his wife, Annie Caldwell, and his minor children, Isaac E., Elsie F., Francis A. and Tule Caldwell, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior as to all except Guss Caldwell, on November 12, 1903.

Respectfully,

Tams Bixby,

Chairman.

Cherokee 10359

Annie Caldwell, et al.

For complete record in this case see Cherokee D-1021, Guss Caldwell, et al.

Cher 10360

Cher 10360

COPY.

Cherokee Doubtful
File with Bettie Ross, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 20, 1902.

In the matter of the application of McDuff Ross for the enrollment of himself and four children as Cherokees by blood, and for the enrollment of his wife as a Cherokee by intermarriage; being sworn and examined, he testified as follows:

BY COMMISSION:

Q What is your name? A Duff Ross.
Q How old are you? A I don't know just how old I am. I am about 40 I reckon or 45.
Q What is your postoffice address? A Texanna, Cherokee Nation.
Q You claim to be a Cherokee by blood? A Yes sir.
Q What district in the Cherokee Nation are you living in? A Canadian District.
Q You apply for anyone besides yourself, any wife or children?
A I have got a wife and four children.
Q You apply for them? A Yes sir.
Q What is the name of your wife? A Bettie Ross.
Q How old is she? A She is about 55.
Q Is she living? A Yes sir.
Q Is she a Cherokee? A No sir, she is a white woman.
Q What is the name of your oldest child? A Dot Ross.
Q How old is she? A She was born the 22nd of June, 1891.
Q Eleven years old then? A Yes sir.
Q What is the name of the next child? A Kit Ross.
Q How old is he? A He was born July 15th.
Q About how much older is Dot than he? A About a year .
Commission: Make it ten then.
Q What is the name of the next child? A Lola, she is 7 years old. There is one more; McKinley.
Q How old is he? A About four years old.
Q Is that all? A Yes sir.
Q Are these children all living? A Yes sir.
Q Are they living with you? A Yes sir.
Q Are they all your children by Bettie Ross? A Yes sir.
Q What is the name of your father? A My father is named Daniel Ross.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your mother? A They call her Naomi Ross.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee? A Yes sir.
Q What is your wife's father's name? A Ed Luster.
Q What is your wife's mother's name? A Kate Luster.
Q Your wife's parents both living? A Yes sir.
Q Are they both white? A Yes sir.
Q When were you married to your wife, Bettie ? A I was married about 12 years ago I guess.
Q Have you any evidence of your marriage? A I have got a certificate, marriage certificate.
Q Let me see it, please? A I didn't bring it with me.
Q Who married you? A Mr. Thompson.
Q Was he a Minister of the Gospel? A Yes sir.
Q Have you ever been recognized as a Cherokee citizen? A Yes sir, all my life.
Q Is your name on the roll of 1880? A I think so.

B R 2.

BY MR. HASTINGS:
Q What are your initials, what do they call you? A Duff Ross, sometimes they call me McDuff.
BY COMMISSION:
Q What is your name, which is it, please? A McDuff.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 799 No.1847 Duff Ross, Tahlequah District, native Cherokee;
1896 census roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 62 No. 1686, Duff Ross, Canadian District;
page 92 No. 238, Bettie Ross, Canadian District;
page 62 No.1687, Dot Ross, Canadian District;
page 62 No.1688 Kit Ross, Canadian District;
page 62 No.1689 Lola Ross, Canadian District.

Q Were you ever married before you married your present wife?
A Yes sir.
Q What is the name of your first wife? A Charlotte Mays.
Q Were you living with her in 1880? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was your present wife ever married before she married you?
A No sir.
Q Now was your first wife dead when you married Bettie? A I don't know whether she was or not.
BY MR. HASTINGS:
Q Did you live with Charlotte until she died? A No sir, we were parted for a long time.
BY COMMISSION:
Q Were you divorced from her? A No sir, I don't know whether I was or not.
Q Who married you to Charlotte? A Old man Foreman.
Q Was Charlotte ever divorced from you? A No sir.
BY MR. HASTINGS:
Q Donte you know when Charlitte died? A No sir.
Q Don't you know that she was living when you married Bettie; where was she living? A I was living at Eufaula.
Q Don't you know when she died? A No sir.
Q Didn't you ever learn? A I heard afterwards that she was dead.
Q When did you hear that she was dead? A I don't know just when.
Q How long after your marriage did you hear that she was dead, it was after your marriage the second time that you heard that she was dead? A Yes I guess it was, but I don't know how long she had been dead.
BY COMMISSION:
Q You are certain that you were never divorced from her? A Only just parted, that's all.
Q Never instituted proceedings in the court did you? A No sir.
Q Did she? A No sir.
Q Did she marry again after you left her? A No sir, I don't think she did; I don't know whether she did or not.
Q How long has she been dead? A I couldn't tell you that.
Q Have you lived in the Cherokee Nation all your life? A No sir, not all my life I haven't. I have lived in the Creek Nation some.
Q Have you ever lived outside of the Indian Territory? A No sir.

BY COMMISSION: McDuff Ross applies for the enrollment of himself, his wife, Bettie and their four children, Dot, Kit, Lola and McKinley Ross as citizens of the Cherokee Nation. The applicant himself is duly identified on the authenticated roll of 1880 and the census roll of 1896, and will be listed for enrollment as a Cherokee by blood. The applicant avers that he was

B R S

married in 1880 to one Bettie Ross, a white woman, his present wife. He also avers that he was formerly married to another woman; he did not live with her up until the time of her death, and prior to her death he was married to his present wife, Bettie. She is duly identified on the census roll of 1896 as an adopted white. His three oldest children are also identified on said roll as native Cherokees. By reason of the fact that the applicant was not divorced from his former wife, final judgment as to the enrollment of his present wife and four children will be suspended and their names will be placed upon a doubtful card, awaiting further consideration of the Commission. He will also be requested to file with the Commission satisfactory proof of the birth of McKinley Ross.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a trueand complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this February 21, 1902.

T. B. Needles.
Commissioner.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 3rd day of March, 1904.

Samuel Foreman
Notary Public.

Department of Southern Indian Agency Cherokee

Canadian

CHEROKEES BY BLOOD AND ADOPTION.

40

Date 2/20/02 1900.

Name McDuff Ross Jeanna J.

District Tahlequah Year 1880 Page 799 No. 1847

Citizen by blood yes Mother's citizenship Daniel Ross - d - [illegible]

Intermarried citizen Neoma d - [illegible]

Married under what law Date of marriage

License Certificate

35

Wife's name Betty Ross

District Canadian Year 1896 Page 93 No. [illegible]

Citizen by blood not Mother's citizenship Ed Lucas - L - [illegible]

Intermarried citizen yes Kate " - L - [illegible]

Married under what law Date of marriage 1880

License Certificate

Names of Children:

1 Dat Ross	Dist. Canadian	Year 96	Page 62	No. 1687	Age 11
2 Kit	Dist.	Year 96	Page 62	No. 1688	Age 10
4 Lola	Dist.	Year 96	Page 62	No. 1689	Age 7
5 Mc Kinley	Dist.	Year	Page	No.	Age 4
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Doubtful

M. D. Green Stone

no 1 on 1880 roll as Duff Ross

no 1 on 96 roll P62 no 1687 " Canadian

ref 7664

no 5 had different mother

C O P Y.

D-1273.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY. SS No. 277.
FIRST JUDICIAL DISTRICT.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING.

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Mack Ross, of Eufaula, in the Indian Territory, aged 32 years, and Miss Bettie Luster, of Eufaula, in the Indian Territory, aged 23 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal this 22° day of August, A.D. 1890.

Wm. Nelson,
Clerk of the U.S. Court.

(SEAL)
By W. R. Shackelford, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY. SS.
FIRST JUDICIAL DISTRICT.

I, Theo? F. Brewer, a duly authorized Minister of the Gospel, DO HEREBY CERTIFY, that on the 22° day of August, A. D., 1890, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 22 day of August, A. D. 1890.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book A., Page 30.

Theo. F. Brewer.
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA.
INDIAN TERRITORY. SS.
FIRST JUDICIAL DIVISION.

I, William Nelson Clerk of the United States Court in Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 25 day of August, 1890, at 8.A. M. and duly recorded in Book A., Marriage Record, Page 30.

WITNESS my hand and seal of said Court at Muskogee, I.T. this

Territory, this 28 day of August, A. D. 1890.

SEAL. W. Nelson, Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., March 2, 1904.

I, the undersigned, Acting Chief Clerk of the Cherokee Land Office, and custodian of the records of said Office, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the said Cherokee Land Office.

John Thomas
Acting Chief Clerk
Cherokee Land Office.

Subscribed and sworn to before me this 2nd day of March, 1904.

Simon R. Wallington
Notary Public.

C O P Y.

Supl. -C. D. #1273.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of BETTIE ROSS, ET AL., AS CITIZENS OF THE CHEROKEE NATION:

The applicant was notified by registered letter March 3, 1903, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the 22d day of March, 1902. The applicant this day appears by her Agent, Joshua Ross, Muskogee, Indian Territory.

Mr. W. W. Hastings, Cherokee Representative, present.

ANNIE NAVE, being duly sworn, testified as follows on the part of the Cherokee Nation.

MR. HASTINGS:

Q What is your name? A Annie Nave.
Q What is your age? A 21 .
Q Do you know Duff Ross? A I don't know him now, I used to know him.
Q Did you know his first wife Charlotte? A She was my mother.
Q Do you know when she died? A She died 10th day of June, 194.
Q She was formerly the wife of Duff Ross? A Yes sir.

Commission: The agent for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceeding had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson.

R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and complete copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 3 day of March, 1904.

Samuel Ennis
Notary Public.

C O P Y.

Cher. D-1273.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 27, 1902.

In the matter of the application of Bettie Ross for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Dot, Kit, Lola and McKinley, as citizens by blood of the Cherokee Nation.

BETTIE ROSS, being first duly sworn and examined by the Commission testified as follows:

Q What is your name? A Bettie Ross.
Q What is your age? A Thirty-nine years old.
Q What is your postoffice address? A Texanna, and sometimes Eufaula.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your husband's name? A Mack Ross.
Q Is he living? A Yes sir.
Q Is he a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you married to Mack Ross? A Married in 1890, August 22d.
Q Had you ever been married prior to your marriage to Mr. Ross? A No.
Q Had he ever been married before? A Not that I ever know. He never said anything to me about it.
Q What did you say his given name was? A Mack Ross.
Q Do they call him Duff Ross sometimes? A Yes, that's his name.
Q Who married you to Duff Ross? A I don't know I can tell you that; we was married here in Muskogee.
Q Married by the United States Court? A Got a license up here at court? A Yes sir.
Q It will be necessary for you to furnish the Commission with a certified copy of your marriage license and certificate, which you can get from the courthouse up here. Have you and Duff Ross lived together all the time sonce you were married up to the present time? A Yes sir.
Q You never were separated? A No sir.
Q You were living together on the first day of September, 1902? A Yes.
Q These children, Dot, Kit, Lola and McKinley are your children by your husband Duff Ross? A Yes sir.
Q Are they all living at this time? A Yes sir.
Q Have they lived all their lives in the Cherokee Nation? A Not until two or three years ago.
Q Where have they lived before them? A At Eufaula.
Q Where is Eufaula? A In the Creek Nation.
Q You have lived ever since your marriage with Duff Ross in the Indian Territory, have you? A Yes sir.
Q And these children have lived with you in the Indian Territory ever since they were born, have they? A Yes sir.

Examination by Mr. Starr-Cherokee representative.
Q How long have you lived in the Cherokee Nation since you were married to Duff Ross? A I think it was two years last January since we moved to the Cherokee Nation.
Q Before that time you lived in the Creek Nation? A Yes sir.
Q Up to two years ago? A Yes sir.
Q Was Duff Ross ever married before he married you? A Not that I know of.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony ~~and~~ in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane.

Subscribed and sworn to before me this November 4, 1902.

B. C. Jones
Notary Public.

SEAL.

R. Palmer, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he ~~xxxx~~ made the foregoing copy and that the same is a true and correct copy of the original transcript.

R Palmer

Subscribed and sworn to before me this 3rd day of March, 1904.

Samuel Gammon
Notary Public.

C O P Y.

Cherokee D-1273.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bettie Ross as a citizen by intermarriage, and her minor children, Dot, Kit , Lola and McKinley Ross, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on February 20, 1902, McDuff Ross appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his four minor children, Dot, Kit, Lola and McKinley Ross as citizens by blood, and for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902, and October 27, 1902. McDuff Ross is differently classified and is not embraced in this decision.

The evidence shows that Bettie Ross, a white woman, was married on August 22, 1890, to McDuff Ross, a citizen by blood of the Cherokee Nation, and that at the date of said marriage the said McDuff Ross had a living wife from whom he was not divorced. The said McDuff Ross is identified on the 1880 authenticated tribal roll of the Cherokee Nation and on the 1896 census roll of said Nation. The said Bettie Ross is identified on the 1896 census roll of said Nation.

The minor children herein applied for are shown to be the children of the said McDuff Ross and Bettie Ross. Dot, Kit and Lola Ross are identified on the 1896 census roll of the Cherokee Nation, and McKinley Ross is identified by birth affidavit made part of the record herein.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692 of the Compiled Laws of the Cherokee Nation (1892), provides:

> "all marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that the said minor children herein applied for, have lived in Indian Territory all their lives.

It is, therefore, the opinion of this Commission that Bet Ross, Kit Ross, Lola Ross and McKinley Ross, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the

provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and that the application for the enrollment of Bettie Ross as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb. 2, 1905.

10360

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

RECEIVED
JUL 22 1918
NO. 3739
FIVE CIVILIZED TRIBES

WASHINGTON, July 15, 1918.

I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

E B Meritt

Assistant Commissioner

BIRTH AFFIDAVIT

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application [illegible] Cherokee Nation.

of [illegible] Ross born on the [illegible] day of [illegible] 1818

Name of Father [illegible] Ross [illegible] Cherokee Nation

Name of Mother Bettie Ross [illegible] Cherokee Nation.

P[illegible]

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

[illegible]

I, Bettie Ross [illegible] Cherokee Nation.

[illegible] married [illegible] [illegible] who is a citizen, by

blood [illegible] Cherokee [illegible] male child was

[illegible] September 1818 and said child has been

[illegible] Ross

[illegible] Bettie Ross

8 [illegible] 1[illegible]

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

[illegible]

1293

20

IN RE

Application for Enrollment of

INFANT CHILD

McKinley Ross

as a citizen of

Cherokee Nation.

Approved MAR 31 1902 190

Dawes Commission

(SORY) Cherokee D-1273.

Muskogee, Indian Territory, March 3, 1902

Mrs. Battie Ross,

Texana, Indian Territory.

Madam:-

You are hereby notified that the application of yourself and four minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, on the 22 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register.

Commissioner in Charge.

C O P Y.

Cherokee # 1273.

Muskogee, Indian Territory, September 11, 1906.

Joshua Ross,

Muskogee, Indian Territory.

Dear Sir:-

You are requested to appear before the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, within fifteen days from date hereof, and submit evidence as to the marriage of Duff Ross and Bettie Ross, and as to the date when such marriage occurred.

Yours truly,

Acting Chairman.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, November 29, 1902.

Bettie Ross,

Texanna, Indian Territory.

Dear Madam:

The marriage license and certificate heretofore forwarded to the Commission, showing your marriage on August 22, 1900, to Mack Ross, is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-52.

C O P Y. D-1273.

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of McDuff Ross for the enrollment of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood of the Cherokee Nation, and rejecting his application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of said Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby
Acting Chairman

Enc. N-8.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, February 26, 1903.

Joshua Ross,

Agent for Bettie Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of McDuff Ross for the enrollment of his wife and children as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application for the enrollment of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting said application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage, of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Chairman.

Enc. M-141.
Register.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, February 26, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings in the matter of the application of McDuff Ross for the enrollment of his wife and children as citizens of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his said application for the enrollment of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting his application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Chairman.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, February 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of McDuff Ross for the enrollment of his wife and children as citizens of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his application for the enrollment of his four minor children, Det, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting his application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Tams Bixby,

Chairman.

Enc. M-2141.

Through the

Commissioner of Indian Affairs.

C O P Y.

Cherokee D-1273.

McDuff Ross,

Texanna, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of your four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting your application for the enrollment of your wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your agent, Joshua Ross, Muskogee, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Chairman.

Enc. M-140.

Register.

Refer in reply to
the following:

Land.
13853-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

November 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated February 26, 1903, forwarding the record relative to the application of McDuff Ross, et al., for enrollment as citizens of the Cherokee Nation. McDuff Ross applies for the enrollment of his four minor children, Dot, Kit, Lola, and McKinley Ross as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Bettie Ross, as an intermarried citizen. He was also a party to the application, but the Commission says he is differently classed and not therefore embraced in its decision of February 2, 1903, holding that the minor children above named are entitled to enrollment, and that Bettie Ross is not entitled to enrollment.

The record shows that Bettie Ross, a white woman, and McDuff Ross were married, August 22, 1890. McDuff Ross is a citizen by blood of the Cherokee Nation, and at the date of his marriage to Bettie Ross he had a wife living from whom he had not procured a divorce. His first wife, Charlotte Ross, died, June 10, 1894. His name appears on the 1880 and 1896 rolls. Bettie Ross' name appears

on the 1896 roll. Bet, Kit and Lela Ross are identified by the 1896 roll. McKinley Ross is properly identified by a birth affidavit.

From the record it appears that the decision of the Commission holding that the minor children mentioned are entitled to enrollment as citizens by blood is correct, and its approval is recommended.

It is doubtful whether Nettie Ross will be entitled to enrollment as an intermarried citizen in view of Section 992 of the Cherokee laws, even if the Court of Claims should hold that intermarried citizens are entitled to share in the distribution of the Cherokee estate. However, it is suggested that her application be not passed upon until the Court shall have rendered an opinion upon the questions submitted to it by the Department, February 24th last.

Very respectfully,

W. A. Jones,

Commissioner.

GMY-CEC

D. C.33638-1903. ITD. 8330-1903. LRS. WCF. CMR.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

December 3, 1903.

The Commission

to the Five Civilized Tribes/

Gentlemen:

With your letter of February 26, 1903, you transmitted the record of proceedings had in the matter of the application of McDuff Ross for the enrollment of his wife and children as citizens of the Cherokee Nation, (Cherokee D-1273).

It appears that on February 20, 1902, McDuff Ross appeared before your Commission at Muskogee, Indian Territory, and made application for the enrollment, among others, of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood and for the enrollment of his wife, Bettie Ross as a citizen by intermarriage, of the Cherokee Nation.

Further proceedings in the matter were had at Muskogee, Indian Territory, March 22, 1902, and October 27, 1902.

It appears that the application embraces McDuff Ross for himself, but the Commission states that he is differently classified and is, therefore, not embraced in this decision.

The evidence shows that Bettie Ross, a white woman, was married on August 22, 1899, to McDuff Ross, a citizen by blood of the Cherokee Nation, and that at the date of said marriage said McDuff

Ross had a wife living, from whom he was not divorced. The rights of Bettie Ross, who claims as a citizen by intermarriage will not be adjudicated by the Department in this decision, but will await the decision of the Court of Claims on the question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokee citizens.

It further appears that McDuff Ross is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 Census roll of said nation. The minor children herein applied for are shown to be the children of said McDuff Ross and Bettie Ross. Dot, Kit and Lola Ross are identified on the 1896 Census Roll of the Cherokee Nation and McKinley Ross is identified by birth affidavit made a part of the record in this case. The evidence further shows that said minor applicants herein have lived in the Indian Territory all their lives.

Reporting November 23, 1903, the Commissioner of Indian Affairs recommends that your decision holding that the minor applicants, Dot Ross, Kit Ross, Lola Ross, and McKinley Ross, should be enrolled as citizens by blood of the Cherokee Nation, be approved. The Department concurs in said recommendation and your decision so far as it affects said minor applicants, is affirmed. A copy of the Commissioner's report is inclosed.

Respectfully, Thos Ryan
Acting Secretary.

1 inclosure.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, December 9, 1903.

Joshua Ross,

Agent for Bettie Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 3, 1903, granting the application of McDuff Ross for the enrollment of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting his application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Bettie Ross, on December 3, 1903.

Respectfully,

Chairman.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory, December 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 3, 1903, granting the application of McDuff Ross for the enrollment of his four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting his application for the enrollment of his wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Bettie Ross, on December 3, 1903.

Respectfully,

Chairman.

C O P Y.

Cherokee D-1273.

Muskogee, Indian Territory.

McDuff Ross,

Texanna, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated February 3, 1903, granting your application for the enrollment of your four minor children, Dot, Kit, Lola and McKinley Ross, as citizens by blood, and rejecting your application for the enrollment of your wife, Bettie Ross, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said wife, on December 3, 1903.

Respectfully,

Chairman.

END
OF
ROLL